



# Textalyzer

## FICTION vs. FACT

### What is the Proposed Bill?

The Textalyzer legislation allows law enforcement to field test mobile devices at the scene of an auto crash with technology that reports illegal usage, but cannot access personal content.

### What is the Technology?

The Textalyzer technology is a hand-held tablet that allows a motorist to maintain possession of his or her device while it is field tested after an auto crash. In roughly 90 seconds, the device will report illegal typing and swiping, but cannot access any personal content. The technology also differentiates between legal Bluetooth and voice activation.

### Why is the Textalyzer Needed?

Currently, there is no practical and effective method to determine device-use leading to auto accidents. As a result, distracted driving statistics are drastically underreported, catastrophically preventing government from measuring the problem and implementing needed deterrents.

[View the National Safety Council's account of distracted driving being underreported.](#)

**DO THE MATH!**  
 NHTSA "texting is 5-6 times more dangerous than drunk driving"  
 +  
 AAA "67% of drivers admit to the destructive behavior"  
 = **A TOXIC MIX**



**FICTION:** Educational programs alone are enough to solve the distracted driving epidemic.

**FACT:** We just spiked to a 50-year high in crashes and fatalities. The distracted driving problem is getting worse every year. Drunk driving was reduced by understanding the problem, implementing effective legal deterrents and creating a social stigma.



**FICTION:** Law enforcement will use the Textalyzer to randomly target motorists.

**FACT:** The Textalyzer is only used at crashes.

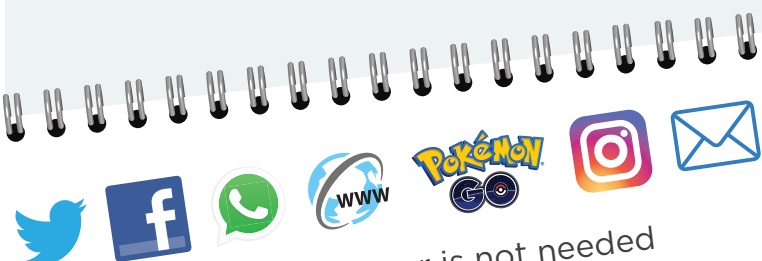
### FICTION:

The Textalyzer technology allows for access to all personal information contained within the phone.



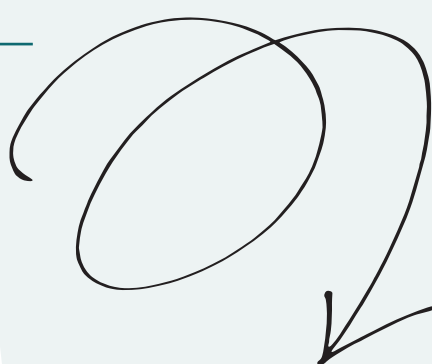
### FACT:

**The Textalyzer is not designed or programed to retrieve personal content, and could not access the content even if desired.** The phone never leaves the motorist's hands. The Textalyzer will use operating-system logs and analyze them to provide a clear indication of whether illegal typing or swiping occurred within legal definitions.



**FICTION:** The Textalyzer is not needed because law enforcement can retrieve the same information from phone records.

**FACT:** Phone records provide a mere sliver of information. A simple email, or popular driving distractions, like social media, selfies, browsing the Internet or playing Pokémon Go, will not appear on a phone record. Alternatively, in roughly 90 seconds, the Textalyzer can generate a report illustrating distracted driving, but containing less personal information than a phone record, which includes contacts and phone numbers.



**FICTION:** The Textalyzer will erroneously report legal hands-free phone usage as illegal.

**FACT:** The Textalyzer will confirm legal use of the phone through the detection of bluetooth or voice-generated activity.

Bluetooth®



**FICTION:** The proposed Textalyzer legislation is unconstitutional.

**FACT:** The NY Textalyzer bill has been carefully drafted to avoid conflict with a motorist's constitutional rights. The bill expands on the legal precedents embedded in state laws that identify drunk driving. Specifically, the bill addresses "driving privileges" - driving is a privilege and not a constitutional right. All 50 states apply sobriety tests based on the legal concept of "implied consent", e.g. a motorist gives his or her implied consent to taking a Breathalyzer test as part of their driving privilege. If a motorist drives a car while intoxicated and refuses a sobriety test, their license can be suspended. The 2016 Birchfield Supreme Court case confirmed the legality of suspending driving privileges as a legal deterrent to drunk driving.

Note: This legislation is also consistent with the 2014 Riley vs. California Supreme Court case. The Court ruled, incident to arrest, a warrant is required before law enforcement can rummage through a phone for content. (The Textalyzer addresses driving privileges as opposed to arrest and completely excludes content.)

**FICTION:** A motorist would still be in violation even if the passenger were using the driver's device.

**FACT:** If a passenger were using the driver's phone, the passenger and driver simply need to make that official statement to the officer. A truthful statement to law enforcement is generally a defense to a police investigation.



[Read about the proposed New York State Legislation and Textalyzer Prototype.](#)