

We all know that texting while driving is a dangerous activity that has caused many shattered lives and dreams. The distraction associated with this activity has been compared to driving while intoxicated. Texting while driving can lead to legal problems for those drivers that engage in this practice.

What about the person with whom the driver is texting? Can that person also be held liable in the event the driver is involved in an accident while texting? That is the issue that came before a Court in New Jersey.

The Court ruled that if the sender of text messages knows that the recipient is driving and texting at the same time, the sender may be held responsible for distraction, and he or she may be held liable for the accident. The Court summarized its conclusions as follows: "...[w]e do not hold that someone who texts to a person driving is liable for that person's negligent actions; the driver bears responsibility for obeying the law and maintaining safe control of the vehicle. We hold that, when a texter knows or has special reason to know that the intended recipient is driving and is likely to read the text message while driving, the texter has a duty to users of the public roads to refrain from sending the driver a text at that time.