



## Driving Without Distraction = Good Policy

Are your city's employees still driving one-handed, while holding a cell phone to an ear with the other? Many Oregon motorists can be seen ignoring a new state law restricting the use of hand-held electronics while driving. Reviewing city policies that affect employees driving on city business will not ensure that city employees are not among the violators, possibly endangering themselves, other drivers, property or the city's bottom line.

House Bill 2377, effective January 1, 2010, requires motorists to employ a hands-free accessory when using cell phones, texting devices, pagers, Palm Pilots and similar electronics while driving. The law stipulates that motorists must be able to maintain both hands on the steering wheel when using their hands-free electronics. The only exception is for calls placed to 9-1-1, and for law enforcement personnel, fire department personnel and EMT Emergency Services.

Employers commonly address the following issues in employee driving policies:

- Employees are expected to abide by all state and local driving laws;
- Employees driving on business are expected to maintain a valid state driver's license; and
- If driving a personal vehicle on city business, the employee is expected to maintain a current certificate of insurance for the vehicle being driven.

The new law raises other issues that cities may want to address in their driving policies. Consider these issues related to mobile phone use:

- While state law provides exemptions to public safety officials, does your city want to set its own limits on public safety positions, such as a "no texting" policy, or a requirement that only work-related mobile communications are allowed while driving? Some employers, for instance, are setting an "emergency-only policy," requiring that employees stop safely off the road before using a cell phone or other electronic device.
- Will your city provide or pay for approved hands-free devices for employees who drive on entity business? If so, are there limitations on what you will provide (such as, "one device every three years") or will reimburse (such as, "not to exceed \$50")?
- If employees driving on business do not have the Bluetooth-capable phones necessary to use hands-free devices under the new law, will your city provide or pay for those phones?

- Will your city impose any disciplinary action if an employee is cited for violating the law while driving on business? How about if the employee is not cited, but is observed by a manager texting or talking on a hand-held phone while driving on business? Are there different disciplinary actions for different offenses?
- Does your city's driving policy address employee use of non-phone electronic devices, such as laptops and GPS units? Is their use allowed by drivers and if so, under what circumstances? Many employers, for instance, allow use of such devices by drivers only when vehicles are stopped and safely out of traffic.

Once your driving policy has been reviewed and updated, be sure to disseminate your entity's rules of the road to all employees. Here's to many miles of safe, distraction-free driving!

**On the Web:** The full text of HB 2377 is available at the following link: [www.leg.state.or.us/09reg/measure/hb2300.dir/hb2377.en.html](http://www.leg.state.or.us/09reg/measure/hb2300.dir/hb2377.en.html). ■

