



News & Trending

PUBLICATIONS & ALERTS

ETRENDS - NC MOBILE TEXTING BAN IN EFFECT DECEMBER 1ST

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Effective December 1, 2009, North Carolina law makes it illegal to text or read email or text messages while driving. Employers with employees who drive while on company business will be well-served to notify employees of this law and adopt a policy aimed at facilitating legal compliance.

The North Carolina law expressly prohibits:

1. manually entering multiple letters or text in the device as a means to communicate with another person
2. reading any electronic mail or text message transmitted to the device or stored within the device (except stored names, numbers or caller id information).

The law does not prohibit these activities when the vehicle is lawfully stopped or parked, nor prohibit the use of voice operated technology or GPS systems used to transmit or receive data as part of a digital dispatch system. Exceptions also apply for police, fire and EMS.

Although the law does not require employers to adopt a mobile texting policy, employers with employees who drive on company business will be well-served to do so. Important elements of the policy include:

- a description of prohibited activities and express statement that the prohibition applies while driving on company business or driving a company-owned, -leased, -rented or –supplied vehicle
- statement that use of a cell phone, PDA or other such device while driving is not required by the company
- statement that employees are to pull off the road and safely and lawfully stop the vehicle before engaging in the above activities
- statement that all employees are expected to know and follow all applicable state and federal laws regarding use of cell phones or PDA's
- statement that employees are to report all citations for violations of any such law while driving on company business or driving a company-owned, -leased, -rented or –supplied vehicle. The person to whom reports are to be made should be identified
- statement that no manager, supervisor or employee is authorized to approve activities in violation of the policy, and naming the person to whom such violations should be reported.

Please contact **Kim Korando** with any questions.

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