

## Cell Phone Usage

**Lines of Business:** Auto Liability, General Liability, Professional Liability, Worker's Compensation

**Risk Control Strategy/Key Issues:** Develop controls to prevent over the road accidents due to use of cell phones and other communication technology

### Suggested Program Elements:

1. Policy Statement:

- Development and implementation of policy.
- Assign responsibilities.
- The reason for implementation of this program should be communicated, in writing, to all staff within the organization.

2. Employee Responsibilities:

- Educate and train employees on policy.
- Obtain acknowledgement of receipt of policy, retain on file.
- Frequent communication to enforce policy.
- Employees are to follow your prescribed procedures for alerting supervisors to any concerns.

3. Management Process:

- Monitoring.
- Addressing violations of policy.
- Use of Disciplinary Action Process when warranted.

### General Information

In the United States, nearly 90% of households use wireless service. 39% of them are wireless-only,, according to the Cellular Telecommunications & Internet Association. Due to the common use of cell phones in automobiles, vans, trucks and recreational vehicles, it is important that all drivers receive at least a reminder on awareness of safe driving practices.

Many states have enacted stringent laws to limit the use of cell phones and texting while driving, and many more states are expected to do so. Problems can occur if:

- The driver is unfamiliar with how to use the phone and its features.
- The driver is distracted when using the phone or texting and does not keep both hands on the steering wheel and eyes on the road.
- The driver is using the phone in heavy traffic situations when they need to be fully aware of the road, following distance and driving conditions.
- The driver loses their concentration while driving, failing to obey all traffic signs and signals.
- The driver takes notes / texts / reads email when using the phone while driving.

### **What to Do**

The following safe driving habits and cell phone procedures should be used to reduce the risks of causing or being involved in a vehicle accident:

- When purchasing a cell phone, choose one with hands-free capability or use an earpiece.
- Place the phone so that it is in a comfortable and convenient area for the driver. The phone needs to be easily accessible, allowing the driver to sit and drive normally.
- Become familiar on how to use the phone. Read the owner's manual and practice using the different features.
- When dialing the phone the vehicle should be stopped or use a phone that is equipped for voice commands. Store any frequently dialed numbers into the phone's memory to minimize dialing.
- If the driver needs to take any notes or send electronic messages, always pull off the road into a safe stopping place FIRST.
- **ALWAYS concentrate on SAFETY FIRST and practicing safe defensive driving.**

### **Program Activities Calendar:**

- Frequent monitoring of employee cell phone use / review of bills
- Periodic reminders of policy and position of enforcement
- Annual review of program

### **Web Site Links:**

- National Highway Traffic Safety Administration  
<http://www.nhtsa.dot.gov/>
- Insurance Information Institute  
<http://www.iii.org/media/hottopics/insurance/cellphones/>

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## **STATE LAWS REGARDING RESTRICTION ON CELL PHONE USE WHILE DRIVING**

This chart outlines all state cell phone and text messaging laws. Some local jurisdictions may have additional regulations. Enforcement type is shown in parenthesis.

- **Handheld Cell Phones:** 10 states, plus D.C., Guam and the Virgin Islands prohibit **all drivers** from using handheld cell phones while driving.
  - Except for Maryland and West Virginia (until July 2013), all laws are **primary enforcement**—an officer may cite a driver for using a handheld cell phone without any other traffic offense taking place.
- **All Cell Phone Use:** No state bans all cell phone use (handheld and hands-free) for all drivers, but many prohibit all cell phone use by certain drivers:
  - **Novice Drivers:** 32 states and D.C. ban all cell phone use by novice drivers.
  - **School Bus Drivers:** Bus drivers in 19 states and D.C. may not use a cell phone when passengers are present.
- **Text Messaging:** 39 states, D.C., Guam and the Virgin Islands ban text messaging for all drivers. In the other four, texting bans are secondary.
  - **Novice Drivers:** An additional 5 states prohibit text messaging by novice drivers.
  - **School Bus Drivers:** 3 states restrict school bus drivers from texting while driving.
- Some states such as Maine, N.H. and Utah treat cell phone use and texting as part of a larger distracted driving issue. In Utah, cell phone use is an offense *only* if a driver is also committing some other moving violation (other than speeding).

**Crash Data Collection:** Many states include a category for cell phone/electronic equipment distraction on police accident report forms. Recently proposed federal legislation would require states to collect this data in order to qualify for certain federal funding.

**Preemption Laws:** Many localities have passed their own distracted driving bans. However, some states prohibit localities from enacting such laws.

**SAMPLE CELL PHONE AND COMMUNICATION TECHNOLOGY USAGE POLICY**

**1.0 Purpose**

The purpose of the Cell Phone Policy is to provide guidelines on the safe usage of the **<insert company>** Company's cell phones, two-way radios, and other technological equipment used for communication. The use of personal cell phones or radios is generally discouraged, but in some cases it may be necessary. **Texting or emailing on a handheld device while driving is never permissible.** The following policy shall cover the use of personal cell phone usage on company property and usage during work hours.

**2.0 Responsibility**

The following policies and procedures govern use of the **<insert company>** Company's cell phones. It is the responsibility of all employees using a cell phone to adhere to these guidelines.

**3.0 Procedure / Process**

As part of the **<insert company>** Company's commitment to provide a safe working environment and ensure the proper usage of cell phones, the following policy statement is being defined.

1. It is the **<insert company>** Company's policy that cell phone usage is for company business and will be used as a communication tool when away from the office location. Cell phones should not be used when a less costly alternative is safe, convenient, and readily available. Cell phone calls are costly. When placing a call and the person is unavailable, leave a detailed voice message with your name, contact number, and a detailed message on the purpose of the call. Continuous, repetitive calls to an unavailable party should be avoided. **Texting or emailing on a handheld device while driving is never permissible.**
2. Telephones are provided in the offices as a means of communication when in the office. Usage of cell phones in the office area should be avoided.
3. To avoid electromagnetic interference and/or compatibility conflicts, turn off your phone in any facility where posted notices instruct you to do so. Hospitals or health care facilities may be using equipment which is sensitive to external radio frequency (RF) energy.
4. Turn off your phone when on board an aircraft and follow FAA guidelines and instruction as instructed.
5. The Advanced Medical Technology Association recommends that a minimum separation of 6 inches be maintained between a handheld wireless phone and a pacemaker. These recommendations are consistent with the independent research by and recommendations of the United States Food and Drug Administration.
  - a. Persons with pacemakers should:
    - i. Always keep the phone more than six inches from your pacemaker when the phone is turned on.
    - ii. Do not carry the phone in the breast pocket.
    - iii. Use the ear opposite the pacemaker to minimize the potential for interference.
    - iv. Turn off the phone immediately if you have any reason to suspect that interference is taking place.

6. Some digital wireless phones may interfere with some hearing aids. In the event of such interference, you may want to consult your hearing aid manufacturer to discuss alternatives.
7. Cell phone usage will be avoided when driving. The driver's first responsibility is to the road and the safety of passengers, themselves and the general public. Never dial the phone or take notes while driving. The driver will pull off the road and park before making or answering a call if driving. In certain local jurisdictions, cell phone usage in a motor vehicle may be prohibited by law. Do not place a portable phone in the area over an air bag or in the air bag deployment area. Air bags inflate with great force. If a portable phone is placed in the air bag deployment area and the air bag inflates, the phone may be propelled with great force and cause serious injury to occupants in the vehicle.
8. Turn off your phone prior to entering any area with a potentially explosive atmosphere. Sparks in a potentially explosive atmosphere can cause an explosion or fire resulting in bodily injury or even death. The areas with potentially explosive atmospheres referred to above include fueling areas--such as below decks on boats, fuel or chemical transfer or storage facilities, areas where the air contains chemicals or particles, such as grain, dust, or metal powders, and any other area where you would normally be advised to turn off your vehicle engine. Areas with potentially explosive atmospheres are often but not always posted.
9. Avoid possible interference with blasting operations. Turn off your phone when you are near electrical blasting caps, in a blasting area, or in areas posted with signage stating "Turn off two-way radios." Obey all signs and instructions.
10. Do not use any portable phone that has a damaged antenna. If a damaged antenna comes into contact with your skin, a minor burn can result.
11. All batteries can cause property damage and / or bodily injury such as burns. If a conductive material such as jewelry, keys, or braided chains touch exposed terminals, the conductive material may complete an electrical circuit (short circuit) and become quite hot. Exercise care in handling any charged battery, particularly when placing it inside a pocket, purse, or other container with metal objects.
12. If unforeseen circumstances develop, and employees must use their company cell phone to make a personal call, the department manager will determine if the employee should reimburse the company for the phone call. The reverse shall hold true for the use of personal cell phones for legitimate company business.
13. Any cell phones having the ability to record digital images (photos) are strictly prohibited on company property.
14. The **<insert company>** Company's reserve the right to monitor an employee's cell phone usage for violations of this policy.

#### **4.0 Disciplinary Action**

Violations of this policy shall follow the standard discipline policy as outlined in the company handbook. Termination of the privilege of use of a company cell phone may also result.

**5.0 Approvals**

Approved by:	Date Approved
IS Manager:	
Executive VP:	
President:	

<u>Revision History</u>		
Date Revised	Description of Change	Section and / or Paragraph

**RECEIPT AND ACKNOWLEDGEMENT**

I, \_\_\_\_\_ have received, read, and understand  
(print name)  
\_\_\_\_\_ Company's Cell Phone Usage Policy. I agree that  
(company name)  
if I do not understand any part of this policy, I will ask my immediate supervisor for clarification.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_