



Policies & Procedures

Governor's Office of Highway Safety

SUBJECT: Text Messaging While Driving

REVISED: 1/2012

POLICY #: 4.3.4

PURPOSE:

This Policy implements the requirement of Federal Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," by establishing the policy of the Governor's Office of Highway Safety on text messaging by employees while driving state-owned, -leased or -rented vehicles (SOV), while driving privately-owned vehicles (POV) on official state business or when using electronic equipment supplied by the state while driving. This policy also implements the requirements of the Executive Order to encourage state contractors and subcontractors and recipients and sub-recipients of grants and cooperative agreements to adopt and enforce policies that ban text messaging while driving.

SCOPE, This Policy applies to:

- (a) GOHS employees (i) driving a SOV; (ii) driving a POV while on official state business or while performing work for or on behalf of the state of Georgia; or (iii) using any electronic equipment supplied by the state while driving any vehicle at any time.

Voluntary compliance with this Policy is encouraged even when a GOHS employee is utilizing a personal electronic device and driving a POV while off – duty.

DEFINITIONS: For the purpose of this Policy, the following definitions shall apply:

- **Texting or Text Messaging:** means reading from or entering data into any handheld or other electronic device (including, but not limited to, cell phones, navigational tools, laptop computers, or other electronic devices) including for the purpose of Short Message Service (SMS) texting, e-mailing, instant messaging, obtaining navigational communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number or to make an outgoing call or answering an incoming call, unless this practice is prohibited by state law or local law. The term also does not include glancing at or listening to a navigational device that

is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to remain stationary.

- **Driving:** means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic congestion, a traffic signal, a stop sign, another traffic control device, or otherwise. It does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.



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- **BACKGROUND:**

Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," established a Federal Government-wide prohibition on the use of text messaging when driving a government owned vehicle (GOV), when driving a POV on official Government business, or when using Government-supplied equipment when driving any vehicle. Implementation of the Executive Order will help save lives, reduce injuries, and set an example for State and local governments, private employers and individual drivers. Extending this policy to cover Federal contractors and grantees is designed to promote economy and efficiency in Federal procurement and grant implementation.

- **POLICY:** It is GOHS Policy to:

- (a) Ban any and all text messaging by all GOHS employees (i) while driving a SOV; (ii) while driving a POV while on official State business or while performing work for on behalf of the State; and (iii) when using electronic equipment supplied by the State while driving (even during off-duty hours).

- (b) Encourage GOHS employees, contractors, grantees and their families to refrain from texting or from engaging in any behavior that distracts attention from driving safely, at any time.

- **OBJECTIVES:** The objectives of the GOHS mandatory ban on text messaging are to:

- (a) Reduce injuries and fatalities from traffic crashes involving GOHS employees, contractors, grantees and their families.

- (b) Encourage GOHS employees, contractors, grantees and their families to voluntarily comply with the text messaging policy while off duty.

- **DISCIPLINARY AND CORRECTIVE ACTION:**

- (a) Failure to comply with this policy may result in disciplinary action. Applicable consequences may include official reprimand, suspension from pay and duty, removal from State service, or other actions in accordance with law and agency policy. As appropriate, a progressive approach to discipline may be used to correct the behavior. Depending on the nature and seriousness of the specific instance of misconduct, a first offense may result in, for example, a written reprimand. For a second or third offense, a more severe penalty may be necessary to correct the behavior, such as a suspension or removal. As with any disciplinary action, the particular facts and circumstances will be considered in taking action. Such actions must be consistent with law and regulations.



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- (b) Potential aggravating factors in determining an appropriate penalty for failure to comply with this Policy may include, but are not limited to, whether the offense:
1. Resulted in the injury or death of others, such as, the driver, passengers, or other motorists;
 2. Resulted in the loss and/or damage of State property or equipment;
 3. Occurred in a State or local jurisdiction, or on a military installation that prohibits text messaging while driving;
 4. Included any other violations of rules governing the operation of a SOV or operation of a POV while on official Government business; or
 5. Included any violations of State or local traffic laws or resulted in a citation of the operator by local or State authorities.
- (c) As applicable, the minimum consequence to be considered when individuals demonstrate egregious misconduct or a pattern of behavior that is inconsistent with this Policy is prompt suspension of authority to drive a GOV or to use the relevant GOHS issued electronic equipment.
- (d) Alternative discipline may be used if it is determined this approach is sufficient to correct the behavior and prevent its reoccurrence, for example, attendance at training on the dangers of text messaging when driving.

GENERAL PROVISIONS:

- (a) This Policy shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (b) This Policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the GOHS, its agencies or entities, its officer, employees or agents, or any other person.

- REFERENCES:**
- Executive Order 13513 "Federal Leadership on Reducing Text Messaging While Drive Driving," October 1, 2009.
 - 5 U.S.C. 7902(d) "Safety Programs."
 - Highway Safety Act of 1966, 23 U.S.C. 402 and 403, as amended
DOT Manual 4440.3C, "Motor Vehicle Management Manual" April 3, 1995