

## The End of the Grace Period: Arizona's Distracted Driving Law

The law was passed in 2019, but built in a lengthy grace period to allow for public education. Effective January 1, 2021, the law is enforceable.

**Restrictions.** It is illegal in Arizona to talk or text on a cellphone while driving unless the device is in a hands-free mode. This law prohibits:

- Use of a **cellphone** or a **stand-alone electronic device** while driving (unless it is being used in a hands-free mode). A stand-alone electronic device is a portable device other than a portable wireless communication device that stores audio or video data files to be retrieved on demand by a user, such as tablets and music and gaming devices.
- Use of hands to make or answer calls
- Use of body to prop up phone or other device
- Reading, writing, or sending text messages
- Surfing the internet, watching videos, etc.

**Exceptions.** The following is permitted:

- Use of phone at stoplight or railroad crossing
- Use of phone to make an emergency call
- GPS navigation (provided it is handsfree)

### **Penalty.**

- First infraction – \$75 - \$149
- Subsequent infractions – \$250 to \$500

### **What does this mean for Employers?**

- If employee violates this law during the course and scope of his or her employment, employer may be liable
  - Employer “knew or should have known”
- Potential for disastrous PR
- Employee responding to work email, text or call
- Phone records establish time of call/text

### **Tips to Consider on How to Protect the Company**

- **Review** your policies and procedures
- **Ensure** you have written policies prohibiting employees from engaging in banned activity while driving on duty or in company vehicle
  - Risk Management: What makes sense for the company?
    - Strict policy banning use of cellphone/device while driving (*enforcement*)
    - Policy that tracks the law (*education*)
- **Educate** employees so they understand the company's policy
- **Enforce** the policy. Progressive discipline. Educate managers/supervisors to ensure they are not (unknowingly) putting employees in the position of violating the law.



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