

# Cell phone safety—driving home the importance

These days, it's hard to find someone who does not have a cell phone or other portable electronic device. These tools can be invaluable for those business professionals who spend a lot of time out of the office, or for anyone who wants the added peace of mind knowing they can call for help in an emergency.

## Are there laws limiting the use of cell phones or other portable electronic devices while driving?

New York state prohibits the use of cell phones and other portable electronic devices while operating a motor vehicle on a public highway.

Effective Oct. 28, 2013, New York also prohibits a person operating a motor vehicle from using these devices while on a public highway, which includes while being temporarily stationary because of traffic control, a traffic control device or other delays.

Motor vehicles are prohibited from using these devices to make a call, send or receive text messages or use any other portable electronic device while on a public highway. However, commercial vehicles stopped on the side of, or off, a public highway in a location where the vehicle is permitted to be permitted to use these devices.

Hands-free devices are permitted. However, effective Oct. 28, 2013, a cell phone used by a person operating a commercial motor vehicle shall not be deemed a "hands-free mobile telephone" when such person dials or

answers such mobile telephone by pressing more than a single button.

Portable electronic devices not only include hand-held cell phones, but also laptop computers, pagers, personal communication devices and electronic games.

Effective Oct. 28, 2013, violators of a portable electronic device law may be charged with a misdemeanor for any other electronic device while driving, writing, or reading text messages or future electronic communications.

## What penalties apply?

Violators of the law operating an electronic device while operating a motor vehicle until Nov. 1, 2014, will be charged a fine of up to \$150 for a first violation and fees of up to \$93. When a second conviction occurs within 18 months of the first violation, a fine of up to \$300 will be charged; and when a third or subsequent conviction occurs within 18 months, a fine of up to \$400 will be charged.

Effective Nov. 1, 2014, violators will be charged a fine of up to \$200 for their first violation and fees of up to \$93. When a second conviction occurs within 18 months of the first violation, a fine of up to \$250 will be charged; and when a third or subsequent conviction occurs within 18 months, a fine of up to \$450 will be charged.

Five points will be applied to the driving record of a person convicted of using a portable electronic device while driving.

Commercial motor vehicle operators also are subject to federal health and safety regulations.

## Familiarize yourself with your phone

Be sure to review all the literature that comes with your phone. Understand how to use its many features—including speed dial, re-dial and hands-free options.

## Be aware of your surroundings and road conditions

If you find yourself in hazardous driving conditions—whether traffic- or weather-related—let your voicemail system pick up the call. A few minutes of paying attention, and pulling over in a safe location, could make a huge difference in your safety and the safety of those around you.

## Stay calm on the phone and on the road

Don't use driving time to engage in stressful or emotional conversations. They can distract you from driving safely and sensibly, even if you are using a hands-free phone.

Cell phones can be an invaluable business tool or your lifeline in a real emergency. But, remember, when you're behind the wheel, your most important responsibility is safe driving.

