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HANDS OFF!!! Don't Allow Employees to Use Cell Phones and Drive Vehicles Unless Using a Hands-Free Device

[Dan M. Forman](#)

California's law requiring the use of hands-free cell phones while driving went into effect July 1, 2008. While the California Wireless Telephone Automobile Safety Act, California Vehicle Code Section 23123, has a few exceptions and imposes seemingly small fines for anyone caught driving and improperly using a cell phone, all employers should nevertheless review their existing cell phone usage policy and/or implement an appropriate policy. Employers that require or are aware that their employees utilize cell phones to conduct their business will become subject to special scrutiny if their employees are involved in motor vehicle accidents while talking on a cell phone in violation of this new statute.

Employers may wish to utilize a cell phone policy that prohibits employees from using cell phones to conduct company business while driving in California unless a hands-free device is used. Additionally, employers that reimburse employees for business-related cell phone charges or provide employees with cell phones should consider whether to provide a hands-free device or reimburse employees for purchasing such a device. Employers should also consider training employees on the requirements of the new law and ensuring that employees understand the consequences of any violations of the law, while on work time, to further ensure compliance. Remember, this law applies to all drivers in California, including employees who might visit your California offices from other states.

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[Dan M. Forman](#) Mr. Forman, an AV-rated trial attorney, has a depth of experience in California and federal courts and arbitrations. Mr. Forman's experience includes all aspects of employment, entertainment and business disputes, with a focus on unfair business practices, contract disputes, covenants not to compete, harassment and discrimination claims, confidentiality and trade secret issues, and putative class actions. When practical, Mr. Forman utilizes mediation and other alternative dispute resolution procedures to resolve disputes.