

## **New Kentucky Law Bans Texting While Driving**

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Kentucky has joined the growing number of states that have prohibited drivers from texting and emailing while operating their vehicles. On April 15, 2010, Governor Steve Beshear signed into law House Bill 415 which imposes new traffic regulations regarding the use of personal communication devices while driving. The new law imposes the following restrictions:

- No person may write, send or read a text-based communication (including text messages, instant messages and emails) while operating a motor vehicle that is in motion.
- No person under the age of 18 may operate a motor vehicle while using a personal communication device (including talking, texting or emailing on cell phones, smart phones or other PDAs) except when it is necessary to summon medical help or law enforcement in an emergency situation.

The new law does not ban drivers who are 18 or older from dialing or talking on cell phones while driving. It also permits texting and emailing under limited circumstances, such as for reporting crimes or summoning medical or law enforcement assistance.

### **Penalties**

Drivers who violate these new restrictions will be fined \$25 for the first offense and \$50 for each subsequent offense. The new law provides for a grace period until January 1, 2011 in which drivers will not be ticketed, but will receive a courtesy warning. The new penalties will be enforced and citations will be issued starting January 1, 2011.

### **What this means for employers**

The passage of this new law reinforces the need for employers to adopt and enforce policies regarding the use of cell phones, smart phones and other PDAs. With the increasing use of these devices, more and more employers are expecting their employees to be available at all times and to respond immediately to work-related issues. As a result, employees may engage in dangerous activities, like emailing or texting while driving, in order to stay on top of their work responsibilities. This exposes employers to increased liability if their employees are involved in automobile accidents while they are engaged in work-related communications.

Employers should adopt and enforce policies prohibiting employees from reading or writing texts or emails while driving. While these policies may not automatically shield employers from liability in all situations, they will discourage their employees from engaging in such dangerous behavior and thus reduce the potential risk for employers.