



MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors
FROM: Thomas M. Miller, County Executive Officer
By: Maryellen Peters, Deputy County Executive Officer
DATE: June 24, 2008
SUBJECT: Adopt an Ordinance to Amend Chapter 2 of the Placer County Code Regarding the Use of Wireless Telephones for Motor Vehicle Drivers (Action)

ACTION REQUESTED

That the Board of Supervisors adopt an ordinance to amend Chapter 2 of the Placer County Code regarding the use of wireless telephones for motor vehicle drivers on county business.

BACKGROUND

In the scope of their work assignment, Placer County employees often work and travel outside of the office. In the course of their business operations, there are times when it becomes necessary to communicate with other employees or customers while in the field or traveling to / from the work site. Effective July 1, 2008, the State of California will be implementing two new laws regarding the use of wireless telephone devices while driving a motor vehicle. The first law requires drivers 18 years and over to use a "hands free device" with their wireless telephone when driving a motor vehicle (California Vehicle Code (CVC) Section 23123). The second law prohibits drivers under the age of 18 from using a wireless telephone while driving a motor vehicle (CVC Section 23124).

These laws should minimize injuries and deaths caused by drivers being distracted while using wireless telephones. As of July 1, 2008 it is a violation of the law to use a wireless telephone while operating a motor vehicle unless it is configured to allow hands-free listening and talking. Further, it is a violation of the law for anyone under the age of 18 years to drive a motor vehicle while using a wireless telephone. If cited by law enforcement, a violation of the law is punishable by a base fine of twenty dollars for the first offense and fifty dollars for each subsequent offense and will be documented on the violator's driving record.

These laws don't apply to emergency services professionals using wireless telephones while operating an authorized emergency vehicle during the course / scope of their duties. In addition, drivers can use wireless phones without a hands free device to make emergency calls to law enforcement, medical providers, the fire department or other emergency agencies.

Whenever possible, employees should not make or receive wireless telephone calls while driving a motor vehicle. Employees should let incoming calls go to their voicemail and then

find a safe place to pull over and park before initiating a call. Wireless telephones should not be used during adverse weather or difficult traffic conditions.

Employees are required to comply with all state and local laws while on Placer County business, and effective July 1, 2008 employees shall be restricted from using wireless telephones while driving a motor vehicle during the course of employment unless that wireless telephone is specifically configured to allow hands-free listening and talking. Employees under the age of 18 shall not be allowed to use a wireless telephone while driving a motor vehicle. *If cited by law enforcement for a violation of these laws, the employee receiving the citation will be responsible to make payment and will not be reimbursed by Placer County. Further, a violation of this policy may result in disciplinary action.*

FISCAL IMPACT

Department heads have been asked to review their department's list of county-issued wireless telephones and re-evaluate the need for such in an effort to reduce the numbers and consequently county expenditures. Given the County's fiscal picture, the department's focus will be to minimize additional expenditures while still complying with the new laws. Certain aspects of the county's business will continue to require the use of wireless telephones by employees while driving a motor vehicle on county business. The Administrative Services Telecommunication Division has identified several hands free devices that are available for this purpose. Department heads will evaluate the hands free wireless telephone options to identify the most cost effective and appropriate devices to be utilized by their personnel.

Preferable among the devices is the earpiece attachment that should have accompanied each phone upon receipt by the employee. If the employee can not locate that device, the Telecommunication's Division has a "free" supply of earpieces that can be attached to most cell phone and Nextel models. As a result, there should be no direct fiscal impact associated with approval of the requested action. Should an employee require a different model for selected program needs, they are available at a cost that ranges from \$20 to \$100.

Attachments:
Ordinance

Before the Board Of Supervisors County of Placer, State of California

In the matter of: An ordinance amending Chapter 2 of the Placer County Code regarding wireless telephone use while driving a motor vehicle on Placer County business.

Ordinance No.: _____

First Reading: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:

That the Placer County Code, Chapter 2: Administration; 2.100 County Vehicles; 2.100.050 Responsibilities of employees for operation will have the following language added as subsection H:

No employee under the age of 18 shall use a wireless telephone while driving on county business. Employees 18 years and older shall minimize the use of wireless telephones while driving on county business whenever possible. Wireless telephone use while driving county vehicles, or while driving personal vehicles on county business is strictly prohibited unless the wireless telephone is equipped with a hands free device and is used in compliance with California Vehicle Code sections 23123 and 23124. This provision applies to the use of both employer issued and personally owned cellular phones. As provided for in Vehicle Code Section 23123, exempt from this clause are emergency service professionals using wireless telephones while operating an authorized emergency vehicle during the course / scope of their duties.

