

## **APPENDIX XIX**

### **EXECUTIVE ORDER ON MOBILE PHONE USE**

Requiring state employees conducting state business to refrain from using hand-held mobile telephones while operating motor vehicles on public highways.

WHEREAS, the Department of Motor Vehicles estimates that fifty percent of the State's ten million motorists own mobile telephones;

WHEREAS, the tremendous growth in the availability of mobile telephones over the past several years has led to concern on the part of many motorists that the use of such phones while driving has an adverse impact upon traffic safety;

WHEREAS, a 1997 Canadian study found that drivers who use mobile telephones were four times more likely to be involved in an accident than drivers whose attention was fixed on the road;

WHEREAS, the counties of Suffolk, Westchester and Nassau have enacted local laws restricting the use of hand-held mobile telephones by drivers, as have at least 23 countries, including Great Britain, Italy, Israel and Japan;

WHEREAS, I have proposed legislation that would restrict the use of hand-held mobile telephones by drivers on a statewide basis;

WHEREAS, it is appropriate that State government assume a leadership role in promoting the safe use of mobile telephones by its employees when they are engaged in State business.

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

#### **I. Restriction on use of mobile telephones by State employees**

All employees of agencies and departments over which I have Executive authority, and all employees of public benefit corporations and public authorities the heads of which are appointed by the Governor, shall not use hand-held mobile telephones while operating State or personal motor vehicles on public highways when conducting State business and shall not use hand-held mobile telephones while operating State motor vehicles on public highways. The term "use" for purposes of this Executive Order is defined as holding a mobile telephone to, or in the immediate vicinity of, the driver's ear. The foregoing restriction shall not apply to police or peace officers engaged in the performance of their official duties. Notwithstanding the foregoing, State employees may use

hand-held mobile telephones for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office or health clinic; an ambulance company or corps; a fire department, district or company; or a police department. A violation of this Executive Order shall result in the issuance of a written warning to the State employee; any violation of this Executive Order by a State employee who has already been issued a written warning may result in employee discipline, including the confiscation of the mobile telephone.

## **II. State Agencies and Departments to Update All State-Issued Communications Equipment**

All agencies and departments over which I have Executive authority, and all public benefit corporations and public authorities, the heads of which are appointed by the Governor, are hereby directed:

(A) to conform and update all communications equipment currently issued to their employees or installed in State vehicles to provide State employees a safe method of communications while driving on public highways that does not require the use of hand-held cell phones; and

(B) to develop policies and procedures that will permit State Employees to comply with this Executive Order and continue their required work-related communications activities.

## **III. Effective Date**

This Executive Order is effective immediately.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fourteenth day of May in the year two thousand one. BY THE GOVERNOR.