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# New Cell Phone Law

The new cell phone law becomes effective from November 1st, the Land Transport (Road User) Rules have been amended to:

- ban the use of hand-held mobile phones and other telecommunications devices, such as Blackberry devices and Personal Digital Assistants (PDAs), while driving (including using devices to text, email or send instant messages);
- allow the use of hands-free mobile phones and two-way radios for verbal communication; and
- allow genuine emergency calls (including \*555) to be made where it is impracticable to pull over to make a call.

The safest option to minimise the potential for distraction while driving is to switch your phone off, OR pull over then make or take a call on a mobile phone.

**Note:** *It is illegal and dangerous to pull over on the motorway shoulder, unless it is a genuine emergency.*

## Fines for breaking this new law

An infringement fee of \$80, and 20 demerit points is the penalty for those breaching a ban on using mobile phones while driving. Enforcement action will be taken where a driver is observed holding a mobile phone in his/her hand while manipulating the keys and/or holding the mobile phone up to the ear while conversing.

### It is just not worth it

Between 2003 and 2008, there were 482 injury crashes and 25 fatal crashes in New Zealand where the use of a mobile phone or other telecommunications device was identified as a contributing factor.





## Exemption to the Rule:

It is not illegal to drive while using a cell phone in the following situations:

- Using a cell phone with a Hands free device
- Using a two-way radio
- Making 111 calls in an emergency

## What does your Workplace need to do?

Firstly, you must be mindful that if you use a company vehicle or a private vehicle for company use then the vehicle is an extension of the workplace.

All workplaces should update their Vehicle Policy to reflect the cell phone ban. It is up to management to decide how the company will approach this. It has been suggested that a 'complete' ban of cell phone use in vehicles is the best policy, simply once the driver enters the car then their cell phone must be switched off. It may be difficult at first however with time it will become habit much like putting your seatbelt on.

**Below are three separate policies which might be considered:**

1. The use of cell phones (including hands-free phones) while driving is dangerous. Before making or answering a phone call, drivers must pull over to the side of the road (when it is safe to do so).

**OR**

2. Cell phone use (including hands-free) is strongly discouraged while driving. Staff must comply with the ban of cell phone use while driving:

- Turn off your cell phone or divert to voicemail when driving (and check messages when it is safe to pull over).
- Do not make calls, answer calls pick up voicemail, or text message while driving.
- Pull over to the side of the road when it is safe, before making or answering a call.

**If you decide to allow employees to use Hand's free kits while driving, the following policy wording could apply.**

3. Staff must comply with the ban of cell phone use while driving:

- Install a 'hands free' kit in the vehicle.
- If a 'hands free' kit is not installed, turn off your cell phone or divert to voicemail when driving.
- Do not make calls, answer calls, pick up voicemail, or text message while driving.
- Pull over to the side of the road when it is safe, before making or answering a call.

## Free ACC Training

### Health and Safety – everyone's business November Seminars

These seminars will expose health and safety champions to new ways of thinking. We will challenge how accidents occur and develop new strategies to try in your workplaces and in communities.

The seminars will run from 9:00am until 12:10pm. The workshops will commence at 1:30 pm and run for approximately 2 hours. See the following pages for full details of the presenters and a break down of the agenda.

#### Seminar and Workshop Details

**Taupo** - Tuesday November 10<sup>th</sup>. Owen Delaney Park, Spa Rd, Taupo

**Rotorua** - Wednesday November 11<sup>th</sup>. Rotorua District Council Building, Fenton St, Rotorua.

**Tauranga** - Thursday November 12<sup>th</sup>. Bay of Plenty Polytech, Windermere Drive, Tauranga.

**Hamilton** - Friday November 13<sup>th</sup>. Hamilton City Council Building, Garden Place, Hamilton.

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Register for the Seminars and Workshops by e-mail at [safetyculture@acc.co.nz](mailto:safetyculture@acc.co.nz)  
There is no charge for the seminars and workshops but we ask that you support one of the charities represented at registration with a gold coin donation.

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