STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2009-1198
December 16, 2009

RELATING TO THE PROHIBITION OF TEXT MESSAGING WHILE DRIVING

WHEREAS, the National Highway Traffic Safety Administration estimates that driver distraction and inattention contributes to 25% of police responded traffic crashes nationwide; and

WHEREAS, over 53,000 crashes occurred in Kentucky last year due to driver distraction and inattention resulting in over 15,000 injuries and almost 200 fatalities; and

WHEREAS, text messaging, the exchange of brief written messages by mobile device, has grown quickly over the past four years, with the number of monthly texting having reached 110 billion at the end of 2008, which is more than an eleven-fold increase in three years; and

WHEREAS, studies show that approximately one in five U.S. drivers admit to texting while driving at least once in the last 30 days and, when drivers text, their collision risk is 23 times greater than when not texting; and

WHEREAS, texting while driving causes a 400 percent increase in time spent with eyes off the road and can be as dangerous as drunken driving; and

WHEREAS, ninety-five percent of surveyed drivers said that texting while driving was unacceptable, but 21 percent of these drivers admitted to recently texting or emailing while driving, with about half of drivers 16 to 24 acknowledging that they had texted while driving, compared with 22 percent of drivers 35 to 44; and

WHEREAS, the District of Columbia and 18 states have banned texting while driving to all drivers and 9 states prohibit text messaging by drivers 21 years of age or younger; and

WHEREAS, with nearly 34 thousand employees, state government can and should demonstrate leadership in reducing the dangers of text messaging while driving, particularly since every day, state employees drive government vehicles; and

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WHEREAS, a state-wide government policy prohibition on the use of text messaging while driving official vehicles will help save lives, reduce injuries, and set an example for county and local governments, private employers, and individual drivers:

NOW, THEREFORE, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Sections 69 and 81 of the Kentucky Constitution and the provisions of KRS 12.080, do hereby Order and Direct the following:

1. State employees shall not engage in text messaging when driving government owned vehicles.

2. Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

3. For purposes of this order, "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

4. For purposes of this order, "Driving" means operating a state owned motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

5. The Secretary of the Transportation Cabinet, in consultation with the Secretary of the Justice Cabinet, Secretary of the Personnel Cabinet and Secretary of the Finance and Administration Cabinet, shall immediately take all steps necessary to implement the provisions of this order.

STEVEN L. BESHEAR, GOVERNOR
Commonwealth of Kentucky

TREY GRAYSON
Secretary of State