

Chapel Hill Cell Phone Ban Draws Ire of Business Owners

Even hands-free technologies outlawed by sweeping prohibition on mobile communications

By Karen McMahan
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CHAPEL HILL — Businesses are concerned that Chapel Hill's ban on all cell phone use by drivers when their motor vehicle is in motion will hurt sales and customer service. For some health-care related businesses, the ban could have lethal consequences.

Chapel Hill became the first municipality in the nation to issue such a far-reaching ban when the town council enacted the measure March 26 by a 5-4 vote. The law goes into effect June 1.

The council had been considering the law for nearly two years and it immediately attracted national attention for both its uniqueness and its strictness. Even the strictest bans on mobile technology imposed by other states and localities prohibit drivers from texting or using hand-held devices, not from using hands-free operation.

Business owners have expressed particular outrage over the ban on hands-free operation. Smart phones and built-in services in newer cars, including GPS and voice commands through Bluetooth technology, enable drivers to receive or make calls by pushing a single button. Such technology was developed, in part, to improve safety.

Council member Laurin Easthom, who voted against the measure, told *Carolina Journal*, "it's laughable that you can talk to your mom or dad but not your brother," referring to an exception that allows cell phone conversations with the driver's parent, child, legal guardian, or spouse. The law also provides an exception for emergencies.

Mobile technologies have revolutionized how companies operate, allowing them to reduce costs while speeding up sales and service. For many sales and customer service professionals, the car has become their primary office. They're glad they no longer have to drive around for miles to find a phone booth to contact the home office or customers.

The ban may force drivers to resort to a similar tactic by having to pull off the road so they can use their cell phone legally.

Dave Cotton, owner of AdvantaClean, a franchise that provides emergency water and fire restoration, mold remediation, and air duct cleaning services to customers in several counties in the Triangle area, told *CJ* the ban is frivolous.

Cotton said a CBS "This Morning" news crew followed him as he demonstrated how difficult it can be to find a place to pull over to use the phone safely, yet how easy it is to use one button or voice command.

"I'm not against a ban on hand-held devices," Cotton said, "I just can't understand why they'd ban hands-free. I've worked a lot in the Northeast where some areas had a ban on using hand-held devices, but they didn't include Bluetooth."

"My car is my office, and my trucks are on the road constantly. If I follow the letter of the law, I won't be able to pick up the phone or press a button to answer a call. Missing a call can mean thousands of dollars in lost business. With the types of emergencies my customers have, they need to reach a live person. If they don't reach me, they'll most likely go with the first live person they get," Cotton said. He joked that even the original car phone had hands-free capability.

Frank Coker, owner of Senior Helpers, a provider of in-home senior care, told *CJ* that "he could see some reasons to do the ban, but not the hands-free, and it's just a secondary offense with a \$25 fine."

"But a missed call in my business can potentially be life-threatening for my clients," said Coker. "If a senior falls or has some other medical emergency, they can call my business 24 hours a day, 7 days a week, and always reach a live person. My car is my office. I don't want to have to drive five miles to find a place where I can pull off the road to return or answer a call. So I'll continue to take calls so I can provide the best care to my clients."

Education versus legislation

Council members who voted for the ban say the primary reason was to educate the public on the dangers of distracted driving. Several hope this law will push legislators to enact a statewide ban.

Critics wonder why cell phones are being singled out from other forms of distracted driving.

Council member Gene Pease voted against the ban, even though he supports a ban on hand-held devices, "because the issue is one the state should address, the way the law is written makes it virtually impossible to enforce, it goes beyond common sense, and, if the

real issue to educate, an ordinance isn't the way to do it."

Easthom agreed, saying she would've voted against the ban under any circumstances because she believes the government can't legislate personal responsibility. "If you can get distracted by talking on a cell phone, what about talking to a passenger or listening to the radio or an audiobook? Where do you draw the line?" Easthom asked.

Walter Olson, senior fellow at the Cato Institute's Center for Constitutional Studies, told *CJ* that even the National Highway Transportation Safety Administration's own statistics show that the leading source of driver distraction is talking with passengers.

"Commercial drivers have provided decades of data to federal agencies on possible dangers of talking on electronic devices or other forms of distractions while operating a moving vehicle, but apparently distracted driving hasn't been serious enough to warrant a ban," Olson said.

Despite the explosion in the use of mobile devices in motor vehicles, the Federal Highway Administration [website](#) states that "2010 saw the lowest fatality and injury rates ever recorded: 1.10 deaths per 100 million vehicle miles traveled." Injury rates in 2010 declined for an 11th straight year. As for fatalities, 30,246 people died in motor vehicles crashes in the U.S. in 2010, compared to 30,246 people in 1949.

Council member Donna Bell voted for the ban, saying "the data presented by the UNC Department of Public Health at the public hearing made it really clear that distracted driving kills. ... The intention of the ban is to make people more aware of distracted driving period. While I'm not generally in favor of regulations, I took an oath to protect public safety, so I was more in favor of a ban on any type of distracted driving, but the council couldn't agree," Bell said.

Asked whether a ban should include someone drinking coffee, eating a sandwich, or even using a cell phone while walking on a public thoroughfare, Bell said, "I wouldn't be opposed to it, as long as the offense was secondary, so that the police couldn't pull you over unless you missed a turn or committed some another traffic violation first."

Karen McMahan is a contributor to Carolina Journal.