

Client Alert

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GEORGIA LEGISLATIVE UPDATE FOR EMPLOYERS

No Texting or E-Mailing While Driving

As of July 1, 2010, Senate Bill 360 makes it illegal for a person to drive while using a telecommunications device (i.e. cell phone, PDA) to write, send or read a text message, instant message, e-mail, or access the internet. If your employee is under 18, they will also be prohibited from talking on a cell phone while driving. As an employer, you are liable for any traffic accidents caused by your employees while on company business. If your employee is in an accident while they are texting or e-mailing, it is more likely that they will be found at fault and you, the employer, will be liable.

In order to protect your company, and to promote public safety, you should consider adopting a company policy prohibiting texting and e-mailing by your employees while driving on company business. You might consider adopting this policy as part of your employee handbook and have employees sign a written policy acknowledging their awareness that such activity is prohibited.

Non-Compete Agreements

In our February, 2010 News Alert we told you about the introduction of H.R. 178, which would give judges the ability to “blue pencil” or re-write, non-compete agreements to limit the duration, geographic area and scope of the agreement to render it reasonable and enforceable under the circumstances. H.R. 178 has now been passed by the legislature, but it still has a big hurdle to clear before it becomes law. H.R. 178 will be on the ballot in November 2010 as a constitutional amendment. It must be approved by the voters of the State of Georgia before it becomes law. In the meantime, we will keep you posted on any updates, and will forward you the result of H.R. 178 after the November 2010 vote.

HBSS publications are intended to inform clients and other interested parties about legal matters of current interest and is not intended as legal advice.

ABOUT HBSS

Hall Booth Smith & Slover is a full-service and diverse law firm with eight regional offices in Georgia, Tennessee and South Carolina. The firm's practice areas are focused and diverse, and include complex civil defense litigation, employment, mass torts, medical malpractice, healthcare, regulatory and governmental matters, and international law.

Whether it's a matter of litigation taking place in the courtroom or negotiations happening in the board room, the attorneys at HBSS will aggressively represent your interests every step of the way.

For more than twenty years, HBSS has been living up to its promise: “Serving to Achieve Excellence.” This promise is alive in everything we do from strategically recruiting nationally recognized attorneys and top law students, to being among Atlanta Magazine's “Best Places to Work.”



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HEATHER SAUM is a Senior Associate with over 11 years of litigation experience. She represents employers in claims involving Title VII, FLSA, FMLA, ADEA, and ADA. She has an interest in litigation prevention through on-site training and investigation, however when litigation is necessary, her experience handling discrimination and harassment cases enables her to provide a valuable service to our clients from investigation through trial. Heather is licensed in Georgia and Mississippi.



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