Subpart 26.6 - Encouraging Contractor Policies to Ban Text Messaging While Driving

Parent topic: Part 26 - Other Socioeconomic Programs

26.601 Purpose.

This subpart implements the requirements of the Executive Order (E.O.) 13513, dated October 1, 2009 (74 FR 51225, October 6, 2009), Federal Leadership on Reducing Text Messaging while Driving.

26.602 Applicability.

This subpart applies to all *solicitations* and contracts.

26.603 Definitions.

As used in this subpart-

Driving-

(1) Means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.

(2) 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.

Text messaging means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before *driving* or while stopped in a location off the roadway where it is safe and legal to park.

26.604 Policy.

Agencies *shall* encourage contractors and subcontractors to adopt and enforce policies that ban text messaging while driving-

(a) Company-owned or rented vehicles or Government-owned vehicles; or

(b) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.

26.605 Contract clause.

The *contracting officer shall* insert the clause at [52.226-8](), Encouraging Contractor Policies to Ban Text Messaging While Driving, in all *solicitations* and contracts.