

## New Laws on Driving and the Use of Wireless Telephones Go Into Effect July 1, 2008

### There is No Grace Period - Motorists Will Not Get a Warning

The law prohibits all drivers from using a handheld wireless telephone while operating a motor vehicle, (Vehicle Code (VC) §23123). Motorists 18 and over may use a "hands-free device." Drivers under the age of 18 may NOT use a wireless telephone or hands-free device while operating a motor vehicle (VC §23124).

The law allows a driver to use a wireless telephone to make emergency calls to a law enforcement agency, a medical provider, the fire department, or other emergency services agency.

#### The laws are backed with fines(s); if convicted

- A law enforcement officer can pull you over just for this infraction
- The base fine for the FIRST offense is \$20 and \$50 for subsequent convictions. With the addition of penalty assessments, the fines can be more than triple the base fine amount
- The violation is a reportable offense and will appear on your driving record; however, DMV will not assign a violation point
- Passengers are not affected by this law; this law only applies to the person driving a motor vehicle
- Whether a citation is issued is always at the discretion of the officer based upon his or her determination of the most appropriate remedy for the situation
- These laws apply to out-of-state drivers even if their home states do not have such laws

**Exceptions:** The law does provide an exception for those operating a commercial motor truck or truck tractor (excluding pickups), implements of husbandry, farm vehicle or tow truck, to use a two-way radio operated by a "push-to-talk" feature. However, a push-to-talk feature attached to a hands-free ear piece or other hands-free device is acceptable

- Operators of an authorized emergency vehicle during the course of employment are exempt, as are those motorists operating a vehicle on private property

**DRIVERS 18 AND OVER:** Drivers 18 and over will be allowed to use a "hands-free" device to talk on their wireless telephone while driving. The new law does not prohibit dialing, but drivers are strongly urged not to dial while driving

- It will be legal to use a Bluetooth or other earpiece; however you **CANNOT** have **BOTH** ears covered
- the new "hands-free" law allows you to use the speaker phone function of your wireless telephone while driving
- The law does not specifically prohibit drivers 18 and over to text message while driving, but an officer can pull over and issue a citation to a driver of any age if, in the officer's opinion, the driver was distracted and not operating the vehicle safely. Sending text messages while driving is unsafe at any speed and is strongly discouraged

**DRIVERS UNDER 18:** Drivers under the age of 18 may not use a wireless telephone, pager, laptop or any other electronic communication or mobile services device to speak or text while driving in any manner, even "hands-free."  
EXCEPTION: Permitted in emergency situations to call police, fire or medical authorities (VC §23124)

- The law applies to an emancipated minor; the restriction applies to all licensed drivers under the age of 18
- The law prohibits anyone under the age of 18 from using any type of wireless device while driving, except in an emergency situation
- For drivers under the age of 18 the prohibition against using a **handheld** wireless device while driving is a **PRIMARY** violation for which a law enforcement officer can pull you over
- a law enforcement officer may cite you for using a "**hands-free**" wireless device if you were pulled over for another violation; this is considered a **SECONDARY** violation