



The Safety Minute “Wireless Telephone Laws” v2.08

Wireless Telephone Laws FAQ's

Two new laws dealing with the use of wireless telephones while driving go into effect July 1, 2008. Below is a list of Frequently Asked Questions concerning these new laws.

Q: When do the new wireless telephone laws take effect?

A: The new laws take effect **July 1, 2008**.

Q: What is the difference between the two laws?

A: The first 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. The second law prohibits drivers under the age of 18 from using a wireless telephone or a hands-free device while operating a motor vehicle (VC 23124)

Q: What if I need to use my telephone during an emergency and I do not have a hands-free device?

A: 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.

Q: What are the fines if I'm convicted?

A: The base fine for the FIRST offense is \$20 and \$50 for subsequent convictions. According to the Uniform Bail and Penalty Schedule, with the addition of penalty assessments, a first offense is \$76 and a second offense is \$190.

Q: Will I receive a point on my driver's license if I'm convicted for a violation of the wireless telephone law?

A: NO. The violation is a reportable offense: however, DMV will not assign a violation point.



Q: Will the conviction appear on my driving record?

A: Yes, but the violation point will not be added.

Q: Will there be a grace period when motorist will only get a warning?

A: NO. The law becomes effect of July 1, 2008. Whether a citation is issued is always at the discretion of the officer based upon his her or her determination of the most appropriate remedy for the situation.

Q: Are passengers affected by this law:

A: No. This law only applies to the person driving a motor vehicle.

Q: Do these laws apply to out-of-state drivers whose homes states do not have such laws?

A: Yes

Q: Can I be pulled over by law enforcement officers for using my handheld wireless telephone?

A: Yes. A law enforcement officer can pull you over just for this infraction.

Q: What if my phone has a push-to-talk feature, can I use that?

A: No. 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 trucks, 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.

Q: What other exceptions are there?

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

If you have more questions check out the CHP website:

http://www.chp.ca.gov/pdf/media/cell_phone_faq.pdf

