



CELL PHONE LEGISLATION EFFECTIVE JULY 1, 2011

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Effective July 1, 2008, new California legislation prohibits drivers from using a wireless telephone while operating a motor vehicle unless a hands-free device is used. The law allowed all drivers to use a wireless telephone for emergency purposes, drivers of commercial vehicles to use push-to-talk phones until July 1, 2011, and drivers of emergency response vehicles to use a cell phone without a hands-free device. Effective July 1, 2011, the push-to-talk phone exemption (commercial vehicles, farm vehicles, tow trucks, etc.) was repealed, so drivers of those vehicles are no longer exempt. Below is a summary of the regulation:

Drivers 18 years of age or older (VC §23123):

Drivers 18 years of age or older are prohibited from driving a motor vehicle while using a wireless telephone **unless** a hands-free device is used.

Exceptions:

- Emergency situations, for example: calls to law enforcement, health care provider, fire department, etc.
- Emergency service providers operating an authorized emergency vehicle during the course of employment.
- While operating a vehicle on private property.
- A person operating a school bus or transit vehicle

Minors (under 18 years of age) (VC §23124):

Minors are prohibited from driving a motor vehicle while using a wireless telephone, including a hands-free device, and/or a mobile service device (pagers, texting devices, laptops, etc.).

Exceptions:

- Emergency situations, for example: calls to law enforcement, health care provider, fire department, etc.
- While operating a vehicle on private property.

Fines:

The fines associated with both laws are as follows:

- \$20, first offense plus administrative fees.
- \$50, second or subsequent offenses plus administrative fees.

CELLULAR PHONE LAW FAQ'S

Drivers 18 Years and Older

Q: When do the new cellular phone laws take effect?

A: The new laws took effect July 1, 2008, and amended exemptions became operative July 1, 2011.

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

A: The law allows a driver using a wireless telephone to make emergency calls, including, but not limited to, calls to a law enforcement agency, health care provider, fire department, or other emergency services agency.

Q: What are the fine(s) if I am convicted?

A: The base fine for a first offense is \$20, and \$50 for each subsequent conviction. The courts will impose additional administrative fees.

Q: Will I receive a point on my driving record if I am convicted for a violation of the cellular phone law?

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

Q: Will a conviction appear on my driving record?

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

Q: May I use a dedicated two-way radio while driving?

A: Yes. The use of dedicated two-way radios such as walkie-talkies and Citizen Band (CB) radios, which are **not** part of a wireless telephone, is not affected by the new law.

Q: May I use a speaker-phone feature and hold the phone in my hand, but not next to my ear?

A: No. The law requires you use a hands-free device with your phone. A "push-to-talk" feature is not allowed.

Q: My car has a built-in hands-free mobile phone feature. Is this adequate or do I have to buy additional equipment?

A: No. You do not need to purchase additional equipment. You may use your vehicle's hands-free mobile phone feature.

Q: Are passengers covered by this law?

A: No, this law applies to the persons driving a motor vehicle.

Minors (Under 18 years of age)

Q: May I use a cellular phone with a hands-free device if I am under 18?

A: No. You cannot use a wireless telephone to speak or text, even if it is equipped with a hands-free device or speaker-phone feature if you are under the age of 18. You are also prohibited from using any other type of mobile service devices, for example, specialized mobile radios, broadband personal communication devices, handheld devices or laptop computers, pagers, or two-way messaging, and texting devices.

Exception: Permitted in emergency situations.

Q: If I am under 18, can a peace officer stop me if he/she suspects I am using a cellular phone or other mobile service device?

A: A law enforcement officer may pull you over if he/she observes or determines you are using a cellular phone.

Q: Why is the law stricter for provisional drivers?

A: Statistics show that teen drivers are more likely than older drivers to be involved in accidents because they lack driving experience and tend to take greater risks. Distractions, such as talking with passengers, eating or drinking, and talking on cellular phones or texting increase the chance you will be involved in a serious accident.

Q: Can my parents give me permission to allow me to use my cellular phone when driving?

A: No. The only exception is an emergency situation that requires you to call a law enforcement agency, health care provider, fire department or other emergency entity.

Q: If I am emancipated, does the restriction apply to me?

A: Yes, the restriction applies to all holders of an instruction permit and all licensed drivers under age 18.

Q: If I have my parent(s) or someone age 25 years or older in the car with me, may I use my cellular phone while driving?

A: No. You may only use a cellular phone or mobile service device in an emergency situation.

Q: Will the restriction appear on my provisional license?

A: No.

Q: If my car has a built in hands-free phone feature, may I use it while driving?

A: No. The law prohibits anyone under 18 years old from using any type of wireless device while driving, except in certain emergency situations.