Steve Blanchard

707.974.8384

Tom Walyenbach

Matt Lucas 916.416.4589

Vicki Belgian 408,438,1604

Paul Wizikowski

Dave Kaschner



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Wireless Telephone Laws FAQS

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 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).

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(s) if I'm convicted?

A: 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.

Q: Will I receive a point on my driver 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 motorists will only get a warning?

A: No. The law becomes effective July 1, 2008. 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.

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 home states do not have such laws?

Q: Can I be pulled over by a law enforcement officer 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. However, 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.

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.

May

June