

New Cellular phone laws that go into effect July 1, 2008

[“New Motor Vehicle Laws for 2008”](#)

<p><i>Minors</i> (under 18 years of age)...</p>	<p><i>Drivers</i> 18 years of age or older...</p>
<p>are prohibited from driving a motor vehicle while using a wireless telephone, <i>including</i> a hands-free device, and/or a mobile service device (pagers, texting devices, laptops, etc.) (<i>Vehicle Code</i> (VC) §23124).</p>	<p>are prohibited from driving a motor vehicle while using a wireless telephone unless a hands-free device is used (VC §23123).</p>
<p>Exceptions:</p> <ul style="list-style-type: none"> • When making an emergency call to law enforcement, a health care provider, the fire department, or other emergency services. • While operating a vehicle on private property. 	<p>Exceptions:</p> <ul style="list-style-type: none"> • When making an emergency call to law enforcement, a health care provider, the fire department, or other emergency services. • While operating an authorized emergency vehicle during the course of employment. • While operating a vehicle on private property. • While operating a commercial motor truck or truck tractor (excluding pickups), implements of husbandry, farm vehicle, school bus, transit vehicle, or tow truck, if using a two-way radio operated by a “push-to-talk” feature.
<p>The fines for both laws are:</p> <ul style="list-style-type: none"> • \$20, first offense plus administrative fees. • \$50, second or subsequent offenses plus administrative fees. 	

Cellular Phone Law FAQs

Drivers 18 Years and Older

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

A: The new law takes effect July 1, 2008.

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 to use a wireless telephone to make emergency calls to a law enforcement agency, a health care provider, the 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 subsequent convictions. 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: I drive a commercial vehicle and my cell phone has a “push-to-talk” feature that does not require me to place the phone to my ear, will I still be required to use a hands-free device?

A: No. Class “A” or “B” drivers operating a truck tractor as defined in VC §655 or a motor truck as defined in VC §410 are allowed to use a “push to talk” feature.

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

A: Yes. The use of dedicated two-way radios such as walkie-talkies or Citizen Band (CB) radios 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 affected by this law?

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

Drivers Under 18 Years of Age

Q: May I use a cellular phone with a hands-free device while I am driving?

A: No. You can not use a wireless telephone to speak or text while driving, even if it is equipped with a hands-free device or speaker-phone feature. 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: 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. Teen drivers are vulnerable to driving distractions such as talking with passengers, eating or drinking, and talking or texting on cellular phones, which increase the chance of getting involved in serious accidents.

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

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

Q: Does the restriction apply to me if I am an emancipated minor?

A: Yes. The restriction applies to all holders of an instruction permit and all licensed drivers who are under the 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: May I use a hands-free phone feature while driving if my car has the feature built in?

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