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AB-1222 Vehicles: electronic wireless communications devices. (2017-2018)

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Assembly Bill No. 1222

CHAPTER 297

An act to amend Section 23123.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 26, 2017. Filed with Secretary of State September 26, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, Quirk. Vehicles: electronic wireless communications devices.

Existing law makes it a crime to drive a motor vehicle while holding and operating a handheld wireless telephone or electronic wireless communications device, as specified. Existing law defines an electronic wireless communications device as including, but not limited to, a broadband personal communication device, a specialized mobile radio device, a handheld device or laptop computer with mobile data access, a pager, or a two-way messaging device.

This bill would remove a specialized mobile radio device and a two-way messaging device from the list of devices specifically included as an electronic wireless communications device.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 23123.5 of the Vehicle Code is amended to read:

23123.5. (a) A person shall not drive a motor vehicle while holding and operating a handheld wireless telephone or an electronic wireless communications device unless the wireless telephone or electronic wireless communications device is specifically designed and configured to allow voice-operated and hands-free operation, and it is used in that manner while driving.

(b) This section shall not apply to manufacturer-installed systems that are embedded in the vehicle.

(c) A handheld wireless telephone or electronic wireless communications device may be operated in a manner requiring the use of the driver's hand while the driver is operating the vehicle only if both of the following conditions are satisfied:

(1) The handheld wireless telephone or electronic wireless communications device is mounted on a vehicle's windshield in the same manner a portable Global Positioning System (GPS) is mounted pursuant to paragraph (12) of subdivision (b) of Section 26708 or is mounted on or affixed to a vehicle's dashboard or center console in a manner that does not hinder the driver's view of the road.

(2) The driver's hand is used to activate or deactivate a feature or function of the handheld wireless telephone or wireless communications device with the motion of a single swipe or tap of the driver's finger.

(d) A violation of this section is an infraction punishable by a base fine of twenty dollars (\$20) for a first offense and fifty dollars (\$50) for each subsequent offense.

(e) This section does not apply to an emergency services professional using an electronic wireless communications device while operating an authorized emergency vehicle, as defined in Section 165, in the course and scope of his or her duties.

(f) For the purposes of this section, "electronic wireless communications device" includes, but is not limited to, a broadband personal communication device, a handheld device or laptop computer with mobile data access, or a pager.