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**AB-47 Driver records: points: distracted driving.** (2019-2020)

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**Assembly Bill No. 47**

**CHAPTER 603**

An act to amend Section 12810.3 of the Vehicle Code, relating to driver's licenses.

[ Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 47, Daly. Driver records: points: distracted driving.

Existing law prohibits a person from driving a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving. Existing law also prohibits a person from driving while holding and operating a handheld wireless telephone or an electronic wireless communications device unless the telephone or device is specifically designed and configured to allow voice-operated and hands-free operation, and is used in that manner while driving. A person who is 18 years of age or younger is prohibited from driving while using a wireless telephone or an electronic wireless communications device, even if equipped with a hands-free device.

Existing law establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as points against a driver's record for purposes of suspension or revocation of the privilege to drive and that certain other violations do not result in a violation point. Existing law also generally provides that traffic convictions involving the safe operation of a motor vehicle result in a violation point. Existing law provides an exemption for the electronic device violations described above from being counted as points against a driver's record for purposes of suspension or revocation of the privilege to drive.

This bill would instead make only those electronic device violations that occur within 36 months, beginning July 1, 2021, of a prior conviction for the same offense subject to a violation point against the driver's record.

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

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

**SECTION 1.** Section 12810.3 of the Vehicle Code is amended to read:

**12810.3.** Notwithstanding subdivision (f) of Section 12810, a violation point shall be given only for a conviction of a violation of subdivision (a) of Section 23123, subdivision (a) of Section 23123.5, or subdivision (b) of Section 23124, occurring on or after July 1, 2021, that occurs within 36 months of a prior conviction for the same offense.