

Explanation of Sections of the
New Driver Cell Phone Law Taking Effect on Jan. 1, 2017

California Vehicle Code Section 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.

EXPLANATION - While driving, you cannot use a cell phone or similar electronic communications device while holding it in your hand. If the device is used in a hands-free manner, such as speaker phone or voice commands, that is legal, but never while holding it.

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

EXPLANATION – Using communication systems built into the vehicle by the manufacturer is legal.

- (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:

EXPLANATION - Here are circumstances that make it legal to touch a cell phone while driving:

- (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.

EXPLANATION - The phone or device is placed in a mount attached either on the dashboard, center console, or a seven-inch square section in the lower corner of the windshield farthest removed from the driver, or in a five-inch square section in the lower corner of the windshield nearest the driver. The mounting or device placement cannot hinder the driver's view.

- (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.

EXPLANATION - While driving you can single swipe or tap the screen while it is in the mount in order to activate or deactivate a feature or function. This is not meant to allow multiple taps or swipes such as texting or scrolling.

- (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.

EXPLANATION - After fees and penalty assessments are added the stated base fine, the ticket will actually cost at least \$160 for the first offense and at least \$285 for the second 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 specialized mobile radio device, a handheld device or laptop computer with mobile data access, a pager, or a two-way messaging device.