

New Cell Phone Laws Shift Focus Back to Driving

By Jennifer Wake

With millions of cell phone users in the United States, more than ever people are talking on cell phones while driving. With experts citing an increased number of traffic accidents due to the added distraction, new wireless telephone laws aim to make driving safer.

Orinda Police Chief Bill French says that although the statistics are really hard to define, it is easy to see how distracted driving is problematic. "It's hard to track whether someone was distracted after an accident," he said. "But I think everyone has a sense that people are paying more attention to talking on the phone than obeying traffic laws."

Starting immediately on July 1, the wireless telephone laws will go into affect, making the use of any hand-held device while driving a motor vehicle a citable offense. And there will be no grace period for the new law.

According to the California Highway Patrol, drivers over the age of 18 caught using a hand-held device will be ticketed and fined \$20 for the first offence, and \$50 for each subsequent offence. Drivers under 18 years old will be cited for using any hand-held or hands-free device, even if the device is a speaker phone installed by the car's manufacturer. Any use – including texting – is prohibited.

"Texting has gotten really big lately, but it's a really stupid thing to do when you're driving," French said.

Exceptions to the law include those operating a commercial motor truck or truck tractor (including pickups), implements of husbandry, farm vehicle or tow truck, and using a two-way radio operate by a push-to-talk feature. You can also use a hand-held device to call for help in case of an emergency, but this is only for a legitimate emergency, noted French.

"It's not for when you are running late to pick someone up, or when you're trying to meet up with someone at the mall," he said. "Ideally, I hope people will pull over to a safe place to make calls."

Although drivers under 18 cannot use a hands-free device of any kind while driving, this is considered a secondary violation – while using a hand-held device is a primary violation – and you will be cited only if you are pulled over for another violation.

"It will be up to the officer's discretion to enforce the law, but I will support them completely," French said.

So why much more stringent laws for those under 18 years old?

According to the California Highway Patrol, teen drivers



are more likely than older drivers to be involved in crashes because they "lack experience, tend to take greater risks, and are more vulnerable to driving distractions." This new law will help to eliminate one of the larger distractions.

In Lafayette City Manager Steve Falk's Friday Summary posted on April 4, Lafayette Police Chief Michael Hubbard explained it this way: "Have you ever been driving down the road and saw a car driving real slow or weaving back and forth and thought to yourself, 'There's a drunk driver,' only to find that the driver is talking on a cell phone. This is one of the very reasons for a new law restricting wireless telephone usage that will take effect in a few months."

"This is a good law," French added. "It will help us switch back to making driving a priority versus talking on the phone."

For more information about the wireless telephone laws, you can visit the California Department of Motor Vehicles Web site at <http://www.dmv.ca.gov/cellularphonelaws/>.

