



Grover Beach Police Department

FAQs on Cell Phone Laws

(Effective July 1, 2008)

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

A: The new laws take effect July 1, 2008.

Q: What is the difference between the two laws?

A: The first prohibits all drivers from using a handheld cell phone while operating a motor vehicle. (Vehicle Code (VC) §23123). Motorists 18 years of age and older may use a "hands-free" device. Drivers under the age of 18 years may NOT use a cell phone or hands-free device while operating a motor vehicle (VC §23124).

Q: What if I need to use my cell 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 medical provider, the fire department or other emergency services agency.

Q: What if my phone has a "push-to-talk" feature, can I use that?

A: No. The law does provide an exception for those operating a commercial motor truck or truck tractor (excluding pickups), implements of husbandry, farm vehicle or tow truck, to use a two-way radio operated by a "push-to-talk" feature.

Q: Are passengers affected by this law?

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

Q: Do these laws apply to out-of-state drivers whose home states do not have such laws?

A: Yes

Q: Can I be pulled over by a law enforcement officer for using my handheld cell phone?

A: Yes. A law enforcement officer can pull you over just for this infraction.

Q: Does the new "hands-free" law prohibit you from dialing a cell phone while driving or just talking on it?

A: The new law does not prohibit dialing, but drivers are strongly urged *not* to dial while driving.

Q: Will it be legal to use a "blue tooth" or other earpiece?

A: Yes, however, you cannot have BOTH ears covered.

Q: Will I receive a point on my driver's license if I'm convicted for a violation of the cell phone law?

A: No. The violation is a reportable offense; however, the DMV will not assign a violation point.

Q: Will the conviction appear on my driving record?

A: Yes, but the violation point will not be added.

For Drivers Under 18 Years of Age ...

Q: Am I allowed to use my cell phone hands free?

A: *NO!* Drivers under the age of 18 years may *not* use a cell phone, pager, laptop or any other electronic communication or mobile services device to speak or send text message while driving in any manner, even hands free. *Exception:* Permitted in emergency situations to call police, fire or medical authorities. (VC §23124).

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

A: *NO!* The only exception is in 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 law apply to me if I'm an "emancipated minor"?

A: Yes. The restriction applies to *all* licensed drivers who are under the age of 18.

Q: If I have my parent(s) or someone age 25 years or older in the car with me, may I use my cell phone while driving?

A: *NO!* You may only use your cell phone in an emergency situation.

Q: Will the restriction appear on my provisional license?

A: No.

Q: May I use the hands-free feature while driving if my car has the feature built in?

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

Q: Can a law enforcement officer stop me for using my hands-free device while driving?

A: No. For drivers under the age of 18, this is considered a "*secondary*" violation, meaning that a law enforcement officer may cite you for using a **hands-free** wireless phone if you were pulled over for another violation. However, the prohibition against using a **handheld** wireless telephone while driving is a "*primary*" violation for which a law enforcement officer can pull you over.