

Electronic Wireless Communication Device Restrictions

New Law Bans Texting

Effective January 1, 2009, a new law expands the prohibition of using a wireless communication device while driving a motor vehicle, to include writing, sending, or reading a text-based communication such as text-messaging, instant messaging, and email.

Exemptions

This new law excludes emergency professionals who use these devices, while operating an emergency vehicle in the course and scope of his or her duties.

This law does not prohibit reading, selecting or entering a phone number, or name in an electronic wireless device for the purpose of making or receiving a phone call. Drivers are strongly urged not to enter a phone number while driving.

Penalties

Violating the law is an infraction and the violator is subject to a: \$20 fine for the first offense and \$50 fine for each subsequent offense. A negligent operator point will **not** be assigned to a driver found guilty of a text-messaging violation.

Procedures

Driving Schools and Traffic Violator Schools must:

- Update curriculum and lesson plans to cover these new restrictions in every traffic safety education and behind the wheel training course.
- Distribute updated curriculum and lesson plans to all instructors to ensure implementation and enforcement of these changes.
- The revised lesson plans do not need to be submitted to the department for review at this time.

The Law

Visit the California Legislative Information website for the law on electronic wireless communication device restrictions visit: http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0001-0050/sb_28_bill_20080924_chaptered.pdf

Background

This new law expands the text-messaging penalties and other add-ons, these fines can increase to \$76 for the first offense and \$190 for subsequent offenses.

References

California Vehicle Code §§12810.3, 23123.5

OLIN Memo 2007-09 http://www.dmv.ca.gov/pubs/olin/07_olin/txt/07olin09.htm

Contact

Call the DMV Customer Communications Section, at (916) 657-6560, for further clarification of this memo.

A handwritten signature in black ink that reads "Mary Garcia". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

MARY GARCIA, Chief
Occupational Licensing