

## **DISTRACTED DRIVING LAW CLARIFIES BANNED USES OF MOBILE PHONES, ALLOWS MOBILE TWO-WAY RADIO USE**

*November 27, 2016 – California’s distracted driving law received clarification in late September, when the Governor approved AB 1785. This bill -- which takes effect January 1, 2017 -- repealed and replaced a portion of the California Vehicle Code. Some gray areas persist, but mobile two-way radios stand out as the clear preference for reasons of compliance and safety.*

Before this law was enacted, many believed that school buses were exempt from the state distracted driving law and could use mobile phone devices for dispatch operations. The new law clarifies that all vehicles except for emergency services professionals using electronic wireless communication devices while operating authorized emergency vehicles during work hours or in the course and scope of his or her duties.

The spirit of AB 1785 is to ensure that drivers have their eyes on the road and hands on the wheel. Guidelines for compliance center on the location of the device, and the simplicity of operation. Mobile two-way radios are fully compliant when they are mounted in an embedded fashion and can be used with one hand by pressing a single button. The requirement of an embedded mount casts question on whether a portable two-way radio with a housing for the cradle charger is in compliance.

(Remember: a mobile two-way radio is fully integrated and permanently affixed to a specific vehicle. They are most commonly seen in public safety vehicles, transportation/semi fleets and buses. Portables accomplish the same work, but are more likely to be assigned to a worker.)

Portable radios are not intentionally under attack; this law is focused on the use of cell and smart phones. But the direction of the regulations is clear; the safest communications device for use in a motor vehicle is a mobile two-way radio.

*(cont’d on next page)*

## **DISTRACTED DRIVING, CONT'D**

Regardless, this law is quite clear in its prohibition on the use of cell/mobile phones:

*... prohibits a person from driving a motor vehicle while holding and operating a handheld wireless telephone or a wireless electronic communication device, as defined. The bill would authorize a driver to operate a handheld wireless telephone or a wireless electronic communications device in a manner requiring the use of the driver's hand only under specified conditions.*

*We encourage you to review the law and identify impacts it may have on your operations. This article is advisory only and should not be construed as legal advice or full interpretation of the law. Find the legislation here:*

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB1785](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1785)