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NAWIC: Legislative Awareness

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Most of us understand that talking on the phone while driving is a distraction to drivers, and studies have shown that cell phone use can lead to car accidents. To address this, Governor Schwarzenegger signed into law Senate Bill 1613, the California Wireless Telephone Act, on September 15, 2006.

What it is

This law bans the use of cell phones while driving unless the driver is using a hands-free device. California is now the fourth state in the country to pass such a law. New York, New Jersey, Connecticut and the District of Columbia already have such laws in place.

The law goes into effect July 1, 2008. After that date, using a cell phone without a hands free device while driving will be an infraction. An infraction is a violation of a minor law, and is less serious than a misdemeanor. Unlike other moving violations, these infractions would not affect car insurance rates.

The first cell phone use infraction is punishable by a fine of $20.00. Subsequent offenses carry a fine of $50.00. Violations will not cause “points” to be added to the driver’s DMV record. The law provides an exception for emergency phone calls, which may be made without using a hands-free device. The law also permits drivers of commercial vehicles three additional years to use “push to talk” (i.e. Nextel) phones. After July 1, 2011, no one can use these devices while driving.

The Controversy

Many have argued that this law only superficially addresses the problem. There are studies that have shown there’s no real difference in the risk of accidents from hands-free compared with hand-held cell phones.

However, this law has already passed and all California drivers will be required to comply in 2008. Just keep in mind that using a hands-free device doesn’t guarantee safe driving behavior. Cell phone use is a distraction and can affect driving, and hands-free devices only slightly reduce that risk. Distractions of any kind, including talking to someone in the car, can lead to accidents. The most important responsibility when driving is to pay attention and drive safely!

For more information on the law please contact Tina Lau at Tlau@Graniterock.com.