

Date of Hearing: April 24, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1222 (Quirk) – As Amended April 17, 2017

**SUBJECT:** Vehicles: electronic wireless communications devices

**SUMMARY:** Strikes “specialized mobile radio device” and “two-way messaging device” from the definition of “electronic wireless communications device”.

**EXISTING LAW:**

- 1) Prohibits a person from driving a motor vehicle while holding and operating a wireless telephone or an electronic wireless communications device unless the wireless telephone or electronic wireless communications device is specifically designed for and used in a voice-operated and hands-free manner.
- 2) Provides that this prohibition does not apply to factory-installed electronic wireless communications devices located in a vehicle's dashboard, as specified or to a wireless telephone or device mounted on a vehicle's windshield, as specified.
- 3) Prohibits a person under the age of 18 from driving while using a wireless telephone or an electronic wireless communications device, even if it is equipped with a hands-free device.
- 4) Establishes a base fine of \$20 for a first violation and \$50 for each subsequent violation of each above prohibition.
- 5) Provides that an “electronic wireless communications device” includes, but is not limited to, a broadband personal communication device, a specialized mobile radio device, a handheld device or laptop computer with mobile data access, a pager, or a two-way message device.

**FISCAL EFFECT:** Unknown

**COMMENTS:** Since 2006, California has prohibited driving a motor vehicle while using a wireless telephone unless the device is configured to allow for hands-free listening and talking. In 2008, this ban expanded to prohibit a person from writing, sending or reading text-based communications while driving [SB 28 (Simitian), Chapter 270, Statutes of 2008]. In 2013, the Legislature again expanded this ban to prohibit anyone younger than 18 years of age from operating a wireless communications device while driving, regardless of the device's hands-free capability [SB 194 (Galgiani), Chapter 754, Statutes of 2013].

Last year, Governor Brown signed AB 1785 (Quirk), Chapter 660, Statutes of 2016, which clarified that a person is prohibited from using a wireless telephone or an electronic wireless communications device for any purpose while driving, in order to encompass the scope of activities included in “using” a wireless telephone or electronic wireless communications device and address narrow judicial interpretations of the original ban. This wider ban was intended to address the problem of distracted driving on California roads, which resulted in 12 fatal collisions, over 500 injury collisions, and nearly 700 property damage collisions as a result of cellphone-related distraction in 2015.

The author believes AB 1785 inadvertently included devices that were not intended to be included in the wider cellphone ban. Devices such as two-way radios functioning on business band or civilian band (CB) radios which have a more limited scope of functions, and thus, a more limited potential for distracting a driver.

With this bill, the author intends to provide technical cleanup to AB 1785, so that it is not construed to limit the use of two-way wireless communication devices utilized by either trained professionals or individuals that have been properly licensed for brief, verbal communications essential to the functioning of their job duties.

According to guidance issued by the California Highway Patrol, a radio installed and mounted in a vehicle with a wired hand microphone, for example, business band or CB radio, is not considered to be wireless communication device, nor is it considered a specialized mobile radio device, and therefore not subject to enforcement under AB 1785. This bill is consistent with that guidance, and codifies that distinction.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Delivery Association (previous version of bill)  
Southern California Edison

**Opposition**

None on file

**Analysis Prepared by:** Justin Behrens /TRANS. /