

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1785

Introduced by Assembly Member Quirk

February 4, 2016

An act to ~~amend~~ *repeal and add* Section 23123.5 of the Vehicle Code Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1785, as amended, Quirk. Vehicles: use of ~~electronic wireless communications~~ *wireless electronic* devices.

Existing law prohibits a person from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, *as defined*, unless the electronic wireless communications device is specifically designed and configured, and is used, to allow voice-operated and hands-free operation, as specified. Existing law defines “write, send, or read a text-based communication” as using an electronic wireless communications device to manually communicate with another person using a text-based communication, as specified. Existing law excludes from that definition circumstances in which a person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call, or otherwise activates or deactivates a feature or function on an electronic wireless communications device. A violation of these provisions is an infraction.

This bill would ~~delete the exclusion described above and instead would exclude from the definition of “write, send, or read a text-based communication” using the electronic wireless communications device in a voice-operated and hands-free mode.~~ *instead prohibit a person*

from driving a motor vehicle while using a wireless electronic device for any purpose if it distracts the driver’s attention, except as specified. The bill would provide that “distracts the driver’s attention” includes, but is not limited to, manually inputting or typing information to do specified acts, including to make cellular telephone calls or obtain directions. By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 23123.5 of the Vehicle Code is amended~~
2 ~~to read:~~
3 ~~23123.5.—(a) A person shall not drive a motor vehicle while~~
4 ~~using an electronic wireless communications device to write, send,~~
5 ~~or read a text-based communication, unless the electronic wireless~~
6 ~~communications device is specifically designed and configured to~~
7 ~~allow voice-operated and hands-free operation to dictate, send, or~~
8 ~~listen to a text-based communication, and it is used in that manner~~
9 ~~while driving.~~
10 ~~(b) As used in this section “write, send, or read a text-based~~
11 ~~communication” means using an electronic wireless~~
12 ~~communications device to manually communicate with any person~~
13 ~~using a text-based communication, including, but not limited to,~~
14 ~~communications referred to as a text message, instant message, or~~
15 ~~electronic mail.~~
16 ~~(c) For purposes of this section, a person shall not be deemed~~
17 ~~to be writing, reading, or sending a text-based communication if~~
18 ~~the person is using the electronic wireless communications device~~
19 ~~in a voice-operated and hands-free mode.~~
20 ~~—(d) A violation of this section is an infraction punishable by~~
21 ~~a base fine of twenty dollars (\$20) for a first offense and fifty~~
22 ~~dollars (\$50) for each subsequent offense.~~

1 ~~(e) This section does not apply to an emergency services~~
2 ~~professional using an electronic wireless communications device~~
3 ~~while operating an authorized emergency vehicle, as defined in~~
4 ~~Section 165, in the course and scope of his or her duties.~~

5 *SECTION 1. Section 23123.5 of the Vehicle Code is repealed.*

6 ~~23123.5. (a) A person shall not drive a motor vehicle while~~
7 ~~using an electronic wireless communications device to write, send,~~
8 ~~or read a text-based communication, unless the electronic wireless~~
9 ~~communications device is specifically designed and configured to~~
10 ~~allow voice-operated and hands-free operation to dictate, send, or~~
11 ~~listen to a text-based communication, and it is used in that manner~~
12 ~~while driving.~~

13 ~~(b) As used in this section “write, send, or read a text-based~~
14 ~~communication” means using an electronic wireless~~
15 ~~communications device to manually communicate with any person~~
16 ~~using a text-based communication, including, but not limited to,~~
17 ~~communications referred to as a text message, instant message, or~~
18 ~~electronic mail.~~

19 ~~(c) For purposes of this section, a person shall not be deemed~~
20 ~~to be writing, reading, or sending a text-based communication if~~
21 ~~the person reads, selects, or enters a telephone number or name in~~
22 ~~an electronic wireless communications device for the purpose of~~
23 ~~making or receiving a telephone call or if a person otherwise~~
24 ~~activates or deactivates a feature or function on an electronic~~
25 ~~wireless communications device.~~

26 ~~(d) A violation of this section is an infraction punishable by a~~
27 ~~base fine of twenty dollars (\$20) for a first offense and fifty dollars~~
28 ~~(\$50) for each subsequent offense.~~

29 ~~(e) This section does not apply to an emergency services~~
30 ~~professional using an electronic wireless communications device~~
31 ~~while operating an authorized emergency vehicle, as defined in~~
32 ~~Section 165, in the course and scope of his or her duties.~~

33 *SEC. 2. Section 23123.5 is added to the Vehicle Code, to read:*

34 *23123.5. (a) A person shall not drive a motor vehicle while*
35 *using a wireless electronic device for any purpose if it distracts*
36 *the driver’s attention unless the device is designed and used in a*
37 *manner that allows for hands-free operating, requiring only*
38 *voice-operated commands.*

39 *(b) For purposes of this section, “distracts the driver’s*
40 *attention” includes, but is not limited to, manually inputting or*

1 *typing information to make cellular telephone calls, obtain*
2 *directions, use a mapping application, play games, use internet*
3 *search engines, or use any other application on a wireless*
4 *electronic device that requires the vehicle operator to manually*
5 *input text, numerals, or characters.*

6 *(c) This section shall not apply to factory-installed wireless*
7 *electronic devices located in a vehicle’s dashboard, including*
8 *mapping systems, entertainment systems, and vehicle monitoring*
9 *systems that require manual input from a driver or passenger and*
10 *that are made inoperable by the driver when the vehicle is moving.*

11 *(d) A violation of this section is an infraction punishable by a*
12 *base fine of twenty dollars (\$20) for a first offense and fifty dollars*
13 *(\$50) for each subsequent offense.*

14 *(e) This section does not apply to an emergency services*
15 *professional using an electronic wireless communications device*
16 *while operating an authorized emergency vehicle, as defined in*
17 *Section 165, in the course and scope of his or her duties.*

18 ~~SEC. 2.~~

19 SEC. 3. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.