

AMENDED IN ASSEMBLY APRIL 5, 2016
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 repeal and add Section 23123.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1785, as amended, Quirk. Vehicles: use of 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. A violation of these provisions is an infraction.

This bill would 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, *wireless telephone or a wireless electronic communication device, as defined*, 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 Section 23123.5 of the Vehicle Code is repealed.
2 SEC. 2. Section 23123.5 is added to the Vehicle Code, to read:
3 23123.5. (a) A person shall not drive a motor vehicle while
4 using a wireless electronic device for any purpose if it distracts
5 the driver's attention unless the device is designed and used in a
6 manner that allows for hands-free operating, requiring only
7 voice-operated commands. *telephone or an electronic wireless*
8 *communications device unless the wireless telephone or electronic*
9 *wireless communications device is specifically designed and*
10 *configured to allow voice-operated and hands-free operation, and*
11 *it is used in that manner while driving.*
12 (b) ~~For purposes of this section, "distracts the driver's attention"~~
13 ~~includes, but is not limited to, manually inputting or typing~~
14 ~~information to make cellular telephone calls, obtain directions, use~~
15 ~~a mapping application, play games, use internet search engines,~~
16 ~~or use any other application on a wireless electronic device that~~
17 ~~requires the vehicle operator to manually input text, numerals, or~~
18 ~~characters.~~
19 (c)
20 (b) This section shall not apply to factory-installed wireless
21 ~~electronic devices~~ *electronic wireless communications devices*
22 located in a vehicle's dashboard, including mapping systems,
23 entertainment systems, and vehicle monitoring systems that require
24 manual input from a driver or passenger and that are ~~made~~
25 inoperable by the driver when the vehicle is moving.
26 (d)
27 (c) A violation of this section is an infraction punishable by a
28 base fine of twenty dollars (\$20) for a first offense and fifty dollars
29 (\$50) for each subsequent offense.
30 (e)

1 (d) 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 (e) *For the purposes of this section, “electronic wireless*
6 *communications device” includes, but is not limited to, a*
7 *broadband personal communication device, a specialized mobile*
8 *radio device, a handheld device or laptop computer with mobile*
9 *data access, a pager, or a two-way messaging device.*

10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.