

AMENDED IN SENATE APRIL 30, 2015

SENATE BILL

No. 737

Introduced by Senator Stone

February 27, 2015

An act to amend Sections 12810.3, 23123.5, and 23124 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 737, as amended, Stone. Vehicles: electronic wireless communication devices: penalties.

Under existing law, it is an infraction for any person to drive a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, unless the device is configured to allow hands-free operation. A person under 18 years of age is prohibited from driving a motor vehicle while using an electronic wireless communications device, even if equipped with a hands-free device. Under existing law, a violation of these provisions is an infraction punishable by a fine of \$20 for a first offense and \$50 for each subsequent offense, but does not result in the assessment of a violation point against the driver's record for purposes of suspension or revocation of the privilege to drive.

This bill would require that one point be assessed for a violation of the prohibitions on driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. This bill would also increase the base fine to \$40 for a first offense and to \$100 for each subsequent offense.

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

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

1 SECTION 1. Section 12810.3 of the Vehicle Code is amended
2 to read:

3 12810.3. Notwithstanding subdivision (f) of Section 12810, a
4 violation point shall not be given for a conviction of a violation
5 of subdivision (a) of Section 23123 or paragraph (1) *or* (3) of
6 subdivision (b) of Section 23124.

7 SEC. 2. Section 23123.5 of the Vehicle Code is amended to
8 read:

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

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

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

29 (d) A violation of this section is an infraction punishable by a
30 base fine of forty dollars (\$40) for a first offense and one hundred
31 dollars (\$100) for each subsequent offense.

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

36 SEC. 3. Section 23124 of the Vehicle Code is amended to read:

37 23124. (a) This section applies to a person under 18 years of
38 age.

(b) Notwithstanding Sections 23123 and 23123.5, a person described in subdivision (a) shall not drive a motor vehicle while using either of the following, *a wireless telephone or an electronic wireless communications device for any of the following*, even if equipped with a hands-free device:

~~(1) A wireless telephone.~~

~~(2) An electronic wireless communications device.~~

(1) *Verbal communication.*

(2) *Writing, sending, or reading a text-based communication.*

(3) *Any use other than those described in paragraphs (1) and (2).*

(c) (1) A violation of paragraph (1) or (3) of subdivision (b) is an infraction punishable by a base fine of twenty dollars (\$20) for a first offense and fifty dollars (\$50) for each subsequent offense.

(2) A violation of paragraph (2) of subdivision (b) is an infraction punishable by a base fine of forty dollars (\$40) for a first offense and one hundred dollars (\$100) for each subsequent offense.

(d) A law enforcement officer shall not stop a vehicle for the sole purpose of determining whether the driver is violating subdivision (b).

(e) Subdivision (d) does not prohibit a law enforcement officer from stopping a vehicle for a violation of Section 23123 or 23123.5.

(f) This section does not apply to a person using a wireless telephone or a mobile service device for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

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