



Legal Alert: California Law Banning Cell Phone Use While Driving Takes Effect July 1

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California's law banning the use of cell phones while driving goes into effect July 1, 2008. The California Wireless Telephone Automobile Safety Act imposes a minimum \$20 fine for anyone caught driving and using a cell phone unless the driver uses a headset, ear bud or other technology that frees both hands. The fine increases to \$50 for subsequent violations. Drivers under 18 are prohibited from using cell phones while driving even if a hands-free device is used, and are also prohibited from using "mobile service devices" such as Blackberries, pagers and laptops.

Drivers may use cell phones in emergency situations to call emergency services agencies such as law enforcement, medical providers, or the fire department. Emergency service professionals using cell phones while operating an authorized emergency vehicle in the course of their duties are exempt from the law.

The law also provides for a limited exception for push-to-talk two-way radios used by certain types of commercial truck drivers. Specifically, digital two-way radios using a wireless telephone that does not require immediate proximity to the driver's ear may be used by drivers of:

- motor trucks or truck tractors that require either a commercial class A or class B license to operate;
- vehicles used exclusively in the conduct of agricultural operations;
- farm vehicles exempt from registration;
- commercial vehicles used in conducting certain commercial agricultural operations; and
- tow trucks.

New York, New Jersey, Connecticut, Washington state, and Washington, D.C. have similar laws.

Employers' Bottom Line:

Although the law does not impose specific requirements on employers, employers should consider implementing a cell phone use policy and revising any existing policies to comply with the law's requirements. A cell phone

policy should prohibit employees from using cell phones to conduct company business while driving unless a hands-free device is used. Additionally, employers who reimburse employees for business-related cell phone charges or provide employees with cell phones should provide a hands-free device or reimburse employees for the expense of purchasing such a device. Employers should also train supervisors and employees on the requirements of the California law (and any other similar state laws) and emphasize the importance of complying with such laws.

If you have any questions regarding the California law or need assistance in developing or revising policies relating to cell phone use by employees, please contact the Ford & Harrison attorney with whom you usually work.