(YBERBREAK



March 28, 2008

Wireless Telephone Laws FAQs (Part 1 of 2)

Two new laws dealing with the use of wireless telephones while driving go into effect July 1, 2008. Below is a list of Frequently Asked Questions concerning these new laws.

- Q: When do the new wireless telephone laws take effect?
- A: The new laws take effect July 1, 2008
- Q: What is the difference between the two laws?
- A: The first prohibits all drivers from using a handheld wireless telephone while operating a motor vehicle. (Vehicle Code (VC) §23123). Motorists 18 and over may use a hands-free device. Drivers under the age of 18 may NOT use a wireless telephone or hands-free device while operating a motor vehicle(VC §23124).
- Q: What if I need to use my telephone during an emergency, and I do not have a hands-free device?
- A: The law allows a driver to use a wireless telephone to make emergency calls to a law enforcement agency, a medical provider, the fire department, or other emergency services agency.
- Q: What are the fines if I'm convicted?
- A: The base fine for the FIRST offense is \$20 and \$50 for subsequent convictions. According to the Uniform Bail and Penalty Schedule, with the addition of penalty assessments, a first offense is \$76 and a second offense is \$190.
- Q: Will I receive a point on my drivers license if I'm convicted for a violation of the wireless telephone law?
- A: NO. The violation is a reportable offense: however, DMV will not assign a violation point.
- O: Will the conviction appear on my driving record?
- A: Yes, but the violation point will not be added.
- Q: Will there be a grace period when motorists will only get a warning?
- A: NO. The law becomes in effect on July 1, 2008. Whether a citation is issued is always at the discretion of the officer based upon his or her determination of the most appropriate remedy for the situation.
- Q: Are passengers affected by this law?
- A: No. This law only applies to the person driving a motor vehicle.
- Q: Do these laws apply to out-of-state drivers whose home states do not have such laws?
- A: Yes
- Q: Can I be pulled over by a law enforcement officer for using my handheld wireless telephone?
- A: YES. A law enforcement officer can pull you over just for this infraction.
- Q: What if my phone has a push-to-talk feature, can I use that?
- A: No. The law does provide an exception for those operating a commercial motor truck or truck tractor (excluding pickups), implements of husbandry, farm vehicle or tow truck, to use a two-way radio operated by a "push-to-talk" feature.
- O: What other exceptions are there?
- A: Operators of an authorized emergency vehicle during the course of employment are exempt as are those motorists operating a vehicle on private property

Find out more about the differences between drivers over 18 and drivers under 18 in next week's CyberBreak.



Questions, Comments, Ideas... Let me know what you think! Email Johanna at jgan@swlaw.edu to submit your suggestions.

Comment Corner

Last week we asked staff: What does the Spring season mean to you?

Here's one staff member's response:

Office Allergies Are Nothing To Sneeze At

Springtime means flowers, showers—and stuffy noses, watery eyes, and fatigue. Washington, D.C., osteopath Dr. Valerie Augello Carregal says that besides making allergy and asthma sufferers themselves miserable, the coughing resulting from allergic reactions is a good way to spread germs to co-workers.

While allergies are not contagious, the particles projected into the air are good carriers of germs, including tuberculosis, Carregal told our sister publication, BNA's *Bulletin to Management*. And coughing is worse than sneezing because the nose acts as a filter of sorts. You should remind your staffers to cover their coughs, or cough into their elbows, and to wash their hands frequently, she said.

It's also a good idea to place bottles of liquid hand sanitizer in public areas, and to encourage employees to keep containers at their desks, as well, she said.

As for the sufferers themselves, "seasonal allergies have a direct impact on productivity, absenteeism, and quality of life," according to Dr. Clifford W. Bassett, assistant clinical professor of medicine and otolaryngology at the Long Island College Hospital.

Next Week's Question:

What April "Fool's" Day pranks do you remember from your childhood?

WHO SAID ITP

"Everything is fine today, that is our illusion."

- a) Jean Jacque Rousseau
- b) Voltaire
- c) Baha'u'llah
- d) Manly P. Hall



Last Week's Answer: Thomas Jefferson

Congrats! One (1) staff member responded and guessed correctly.