

April 4, 2008

Wireless Telephone Laws FAQs (Part 2 of 2)

DRIVERS UNDER 18

Q: Am I allowed to use my wireless telephone hands free?

A: NO. Drivers under the age of 18 may not use a wireless telephone, pager, laptop or any other electronic communication or mobile services device to speak or text while driving in any manner, even hands free. EXCEPTION: Permitted in emergency situations to call police, fire or medical authorities. (VC §23124).

Q: Why is the law stricter for provisional drivers?

A: Statistics show that teen drivers are more likely than older drivers to be involved in crashes because they lack driving experience and tend to take greater risks. Teen drivers are vulnerable to driving distractions such as talking with passengers, eating or drinking, and talking or texting on wireless phones, which increase the chance of getting involved in serious vehicle crashes.

Q: Can my parents give me permission to allow me to use my wireless telephone while driving?

A: NO. The only exception is an emergency situation that requires you to call a law enforcement agency, a health care provider, the fire department or other emergency agency entity.

Q: Does the law apply to me if I'm an emancipated minor?

A: Yes. The restriction applies to all licensed drivers who are under the age of 18.

Q: If I have my parent(s) or someone age 25 years or older in the car with me, may I use my wireless telephone while driving?

A: NO. You may only use your wireless telephone in an emergency situation.

Q: Will the restriction appear on my provisional license?

A: No

Q: May I use the hands-free feature while driving if my car has the feature built in?

A: NO. The law prohibits anyone under the age of 18 from using any type of wireless device while driving, except in an emergency situation.

Q: Can a law enforcement officer stop me for using my hands-free device while driving?

A: No. For drivers under the age of 18, this is considered a SECONDARY violation meaning that a law enforcement officer may cite you for using a **hands-free** wireless phone if you were pulled over for another violation. However, the prohibition against using a **handheld** wireless telephone while driving is a PRIMARY violation for which a law enforcement officer can pull you over.



DRIVERS 18 AND OVER

Drivers 18 and over will be allowed to use a hands-free device to talk on their wireless telephone while driving. The following FAQs apply to those motorists 18 and over.

Q: Does the new "hands-free" law prohibit you from dialing a wireless telephone while driving or just talking on it?

A: The new law does not prohibit dialing, but drivers are strongly urged not to dial while driving.

Q: Will it be legal to use a Blue Tooth or other earpiece?

A: Yes, however you cannot have BOTH ears covered.

Q: Does the new hands-free law allow you to use the speaker phone function of your wireless telephone while driving?

A: Yes.

Q: Does the new "hands-free" law allow drivers 18 and over to text page while driving?

A: The law does not specifically prohibit that, but an officer can pull over and issue a citation to a driver of any age if, in the officer's opinion, the driver was distracted and not operating the vehicle safely. Text paging while driving is unsafe at any speed and is strongly discouraged.

WHO SAID IT?

"It has long been an axiom of mine that the little things are infinitely the most important."

This quote was published in which Sherlock Holmes story written by Sir Arthur Conan Doyle:

- a) *The Hound of the Baskervilles*
- b) *Valley of Fear*
- c) *A Scandal in Bohemia*
- d) *A Case of Identity*

Last Week's Answer:
Voltaire



Congrats! Four (4) staff members responded and guessed correctly.

Earth Day — April 22, 2008 — Recycling

Did you know that used motor oil can be recycled? How about paint? It turns out many of the items in your garage are recyclable. Claim your garage back, learn what to do with the mess and help the planet while you're at it.

Curbside recycling now serves half of the U.S. population, providing the most convenient means for households to recycle a variety of materials. While all curbside programs differ, the most commonly included materials are The Big Five: aluminum cans, glass bottles, paper, plastic and steel/tin cans.

Technology has revolutionized our lifestyle through telephones, radios, TVs, computers and cell phones. However, the brisk pace of technology means these devices become obsolete quickly. A more recent issue is how our old electronics should be disposed of, because they often contain dangerous elements such as lead and mercury that can contaminate our soil and water supply.

Managing organic material at your home can not only decrease the amount of material you send to the landfill; it can also help turn your organic waste into a landscape asset. Composting will reduce the amount of food waste in your garbage can, while creating nutrient-rich fertilizer for your garden. <http://earth911.org/recycling/>



Questions, Comments, Ideas... Email Johanna at jjan@wvlaw.edu to submit your suggestions.