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September 27, 2017

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Bill to Clean-up Distracted Driving Law is Signed

SACRAMENTO – Assembly Bill (AB) 1222, by Assemblymember Bill Quirk (D-Hayward), to clarify an oversight in landmark legislation he authored last year dealing with distracted driving, has been signed into law.

Last year, AB 1785 (Chapter 660, Statutes of 2016) updated California’s distracted driving law to clarify that a driver may never hold a cell phone while driving. “I felt compelled to author this law because smartphones have come a long way. They don’t just make calls and send texts. Today, they have the capability to navigate, take pictures, create playlists and play games – any of which conducted while driving can be distracting and have devastating effects,” said Assemblymember Quirk.

While there is a consensus that distracted driving is a serious issue, concerns were raised regarding the definition of “wireless communications device” created in AB 1785.

“The intent was to prohibit a person from holding a phone. It was never meant to prevent trained or licensed professionals, such as utility workers, from using their mounted and wires two-way radios for brief communications with one another or dispatch,” explained Assemblymember Quirk. “These devices do not possess the myriad distractions of cellular phones. They are essential tools operated in accordance with company safety policies,” he concluded. This interpretation was confirmed by a bulletin released by the California Highway Patrol in April 2017.

AB 1222 makes a technical change in statute to clarify that the definition of “electronic wireless communication device” in Vehicle Code §23123.5(f) is not intended to be construed to limit the use of two-way wireless communication devices used by trained professionals or properly licensed individuals for brief, verbal communications essential to the functioning of their job duties.

“I am appreciative of the many organizations that brought this to my attention and worked with me to get this narrowly crafted bill signed,” said Assemblymember Quirk after learning his bill was signed.

AB 1222 was supported by a large coalition that included the California Municipal Utilities Association (CMUA), Motorola Solutions, Northern California Power Agency (NCPA), Pacific Gas and Electric Company (PG&E), Pacific Power/PacifiCorp and Sacramento Municipal Utility District (SMUD).

AB 1222 goes into effect January 1, 2018.

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*Elected in 2012, Bill Quirk brings his PhD in astrophysics and career as an educator and scientist to the State Assembly. He is the Chair of the Assembly Committee on Environmental Safety and Toxic Materials. He is also Chair of the Select Committee on California's Clean Energy Economy. He is a member of the Agriculture, Public Safety, Revenue and Taxation, and Utilities and Energy Committees. **Website of Assemblymember Quirk:** <http://www.asmdc.org/quirk>*