

Hands Free Texting Law Passed in California

By Thomas G. Appel of [Appel Law Firm LLP](#)

Last Friday, Gov. Jerry Brown signed Assembly Bill 1536 that will allow California drivers to use “hands-free” technology to text behind the wheel for the first time since driving while texting was outlawed more than three years ago in 2008. The new law will take effect January 1, 2013.

Current Cell Phone and Driving Laws in California

- Law prohibits all drivers from using a handheld wireless telephone while operating a motor vehicle. Motorists 18 and over may use a “hands-free device.” [*California Vehicle Code §23123*]
- Law prohibits drivers under the age of 18 from using a wireless telephone or hands-free device while operating a motor vehicle. [*California Vehicle Code §23124*]

New Cell Phone and Driving Law

- The new hands free law amends Section 23123.5 of the Vehicle Code and allows drivers using phones which can be operated with hands-free devices to send and receive text messages behind the wheel. These include bluetooth, headsets, and programs similar in nature to Onstar, where voice activation will enable text messages to be sent and received. It is still unclear whether using Siri, the popular Apple voice assistant, passes the test. However since you have use your hands to access Siri, it is likely still illegal to use it while driving.

California is one of 39 states in the U.S. that bans texting while driving, though it’s unclear if any of the others allow hands-free texting.

It is unclear where hand-free texting is safe. Studies have generally shown that distracted driving is a real threat. Experts disagree, however, over whether the danger lies in the physical distraction — taking your hands off the wheel and eyes off the road — or the mental one, where phone and text conversations take your mind off driving.

Hands-free texting can be especially tricky, especially if your phone doesn’t recognize what you’re saying, which can cause a simple “I’ll be there in 10 minutes” text to take five minutes to get right. The hands-free texting law may also open the door to all sorts of smartphone activities for drivers, particularly in new cars that market their connectivity.