

Date of Hearing: March 27, 2023

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Laura Friedman, Chair

AB 276 (Dixon) – As Amended March 13, 2023

**SUBJECT:** Vehicles: electronic wireless communication devices

**SUMMARY:** Bans the use of mobile/wireless devices while operating a motor vehicle for persons under the age of 21. Specifically, **this bill:**

- 1) Increases the age restriction for using a wireless telephone or an electronic wireless communication device while driving from 18 years of age to 20 years of age.
- 2) Allows a person of 18-20 years of age to use a mobile device if it is required to fulfill the person's work obligations.
- 3) Clarifies that drivers under 21 cited for texting and driving or operating a handheld device while driving will not be cited for this violation.
- 4) Defines the phrase: “using a wireless telephone or an electronic wireless communication device” to mean the wireless telephone or electronic wireless communications device is operating and is located in the motor vehicle with the screen or display visible to the driver.

**EXISTING LAW:**

- 1) Prohibits drivers from using a wireless telephone unless it is configured for hands-free use and is used in that manner while driving or for an emergency specified in the code. Failure to comply results in a \$20 first-time fine and a \$50 fine for future infractions. Does not apply to private property. (Vehicle Code (VEH) 23123)
- 2) Prohibits drivers from holding and operating a hand-held wireless communication device unless configured for hands-free use. Permits the use of built-in vehicle systems installed by the manufacturer. Allows hands-on use of wireless communications devices if the device is mounted like a portable GPS device and drivers can activate or deactivate a feature with a limited gesture or interaction. Failure to comply results in a \$20 first-time fine and a \$50 fine for future infractions. (VEH 23123.5)
- 3) Prevents drivers under the age of 18 from using mobile devices while driving even if it is configured for hands-free use unless it is for a specified emergency. Failure to comply results in a \$20 first-time fine and a \$50 fine for future infractions. (VEH 23124)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

In a January 2023 article for the Los Angeles Times titled “Highways are getting deadlier, with fatalities up 22%. Our smartphone addiction is a big reason why” Bruce Landsberg, vice chairman of the National Transportation Safety Board, reflects on the state of distracted driving ““This is an epidemic,” he said. And it’s not just deaths. “Everybody talks about fatalities, but there are hundreds of thousands or more life-altering injuries — broken limbs, brain injuries, horrible burns. This doesn’t have to happen. These crashes are not accidents. They are completely preventable.””

Distracted driving is a priority for the state of California. The legislature passed the California Wireless Telephone Automobile Safety Act of 2006, which banned the handheld use of cell phones for all drives unless for emergency purposes. It did permit the use of cell phones if enabled for hands-free use. Subsequent legislation was passed to ban text-based communication for all drivers. The legislature also prohibited the handheld and hands-free use of cell phones for drivers under 18.

This bill extends the current ban on cellphone use for drivers under 18 to include drivers aged 18-20 inclusive. In addition, it creates an “eyes-free standard” by prohibiting cellphone screens from being within the driver’s view. It exempts drivers aged 18-20 from this prohibition if used exclusively for work. It also clarifies that drivers under 21 cited for texting and driving or operating a handheld device while driving will not be cited for this violation.

According to the author, “Current California law prohibits motorists under 18 from using a mobile device while driving. AB 276 will make this applicable to motorists under the age of 21. The highest prevalence of distracted driving occurs between 15 ½ to 20 years old. Distracted driving accounted for 9% of fatal car crashes in this age bracket. AB 276 will ensure that drivers in the highest risk age bracket for distracted driving keep their eyes on the road, not their phone screen. In addition, this would only be applicable as a secondary offense and exempts drivers 18, 19, and 20 years of age who must use their phone for work purposes.”

*Younger drivers account for a greater proportion of traffic fatalities.* In 2020, there were 38,824 traffic fatalities, a 6.8% increase from 2019 and the highest number since 2007. The National Highway Traffic Safety Administration (NHTSA) projects 42,915 traffic fatalities for 2021. In 2021, drivers under 24 made up 11.1% of licensed drivers, but accounted for 19.3% of traffic fatalities.

*Drivers under 40 have the greatest proportion of distraction-related fatal crashes.* In its annual report for 2022, the California Office of Traffic Safety (OTS) stated: “National research identifies three factors for distracted driving: visual (eyes off the road); manual (hands off the wheel); and cognitive (taking your mind off driving). Drivers ages 20 to 39 have the highest proportion of distraction-related fatal crashes.” A 2017 study conducted by Fresno University observed 3.58% of drivers talking on the phone in a non-hands-free configuration or manipulating a handheld electronic device. This is a decrease from a 2016 study. The authors attributed much of this change to an improved methodology for recording distracted driving and the transient nature of distracted driving. In 2020, NHTSA conducted the National Occupant Protection Use Survey (NOPUS), a probability-based survey studying the prevalence of electronic device use while driving. Electronic device usage decreased from 2.9% in 2019 to

2.6% in 2020. While the number of drivers distracted by their electronic devices is slowly reducing, the NOPUS study estimates a 2.6% observation translates to over 350,000 distracted drivers on the road.

*Some other states have restricted cell phone use for drivers under 21.* Illinois and Indiana have taken a similar approach, restricting cell phone use for drivers 19 younger and under 21, respectively. While states like Michigan have a graduated licensing program restricting cell phone use for novice or intermediate license holders under 18.

*It is unclear if the prohibition of cell phone use changes driver behavior.* Literature review of peer review studies suggests that results are mixed. Research has shown that universal bans on hand-held cell phone use while driving have led to increased hands-free cell phone use. However, it may have less effect on traffic safety due to the third criterion of distracted driving, “taking your mind off driving.” While bans on all phone use by teenage drivers have no impact on their phone use. Moreover, while most drivers are concerned about traffic safety, this concern is only sometimes reflected in their driving behaviors. For example, in a traffic safety survey by the American Automobile Association (AAA), almost all respondents agreed that reading or typing on a handheld device was extremely dangerous. Yet, nearly a quarter of respondents admitted to reading or sending a text message while driving within the past month. This trend is also reflected in state-specific surveys of traffic behaviors conducted by OTS.

*Related legislation:* SB 473 (Allen) Extends the provisional driver’s license (PDL) program to individuals between the ages of 18 and 21 beginning January 1, 2027.

*Previous legislation:* AB 47 (Daly) Chapter 603, Statutes of 2019 prohibits a person from driving a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving. Prohibits a person who is 18 years of age or younger from driving while using a wireless telephone or an electronic wireless communications device, even if equipped with a hands-free device.

SB 33 (Simitian), Chapter 214, Statutes of 2007, after July 1, 2008, prohibits a person under the age of 18 years from driving a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device, as defined, except for emergency purposes.

SB 1613 (Simitian), Chapter 290, Statutes of 2006, makes it an infraction, operative July 1, 2008, to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving.

AB 970 (Frazier of 2017) would require a mobile telephone carrier, as defined, to provide customers with the ability to disable, at the network level, the distracting capabilities of their mobile telephones when notified that the customer is driving a motor vehicle. *Died in Assembly Transportation Committee.*

AB 63 (Frazier of 2017) would raise the age at which a person must obtain a provisional driver’s license (PDL) from 18 to 21. AB 63 was vetoed by the Governor.

SB 1223 (Huff of 2016) would raise the age at which a person must obtain a PDL from 18 to 21. SB 1223 was held on the Senate Appropriations Committee Suspense File.

AB 235 (Frazier of 2015) would extend the driving restrictions on a PDL from just the first 12 months of licensure to the entire duration of the PDL. AB 235 passed out of this committee with a vote of 14-0 but was held on the Senate Appropriations Committee Suspense File.

AB 1801 (Frazier of 2014) was identical to AB 235 and passed out of this committee with a vote of 14-1, but was held on the Assembly Appropriations Committee Suspense File.

AB 1113 (Frazier of 2013) requires a person to hold a learner's permit for nine months before applying for a PDL and extended and expanded the driving restrictions on a PDL to the entire duration of the PDL. Governor Brown vetoed AB 1113, and in his veto message, the Governor directed DMV, CHP, and OTS to implement a teen driver training and education program to improve transportation safety for provisional drivers.

AB 724 (Cooley of 2013) raises the age a person must obtain a PDL from 18 to 20. AB 724 passed out of this committee with a vote of 10-4, but was held in the Assembly Appropriations Committee Suspense File.

AB 2071 (Patterson of 2021) would require, upon appropriation by the Legislature, OTS to administer a grant program for qualifying law enforcement agencies to combat distracted driving. Would require grant funds be used to increase public awareness of the dangers of distracted driving. *Died in Senate Appropriations suspense file.*

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

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