



Mobile Operations Safety



Santa Clara County ARES/RACES
Last Updated 03-Jan-2018

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Driving



- Drive safely, do not speed, follow all applicable laws
- Do not drive off-road unless trained and authorized to do so
- Do not go anywhere that you feel is not safe
- Professionally and responsibly withdraw from situations that become risky; advise net control and/or served agency promptly
- Observe “distracted driving” laws

Distracted Driving Law

- California Vehicle Code 23123.5 prohibits use of “handheld wireless telephone or an electronic wireless communications device”, with some exceptions
 - 23123.5(f): “For the purposes of this section, “electronic wireless communications device” includes, but is not limited to, a broadband personal communication device, a handheld device or laptop computer with mobile data access, or a pager.”
- The law is vague and poorly worded.
 - A mobile amateur radio is not a broadband communications device, nor a device with mobile data access, nor a pager. So that’s good.
 - But “... is not limited to ...” can mean anything!

Distracted Driving Law (2)

- The CHP issued an enforcement memo, which clarifies that this does not apply to mounted 2-way radio with a wired microphone
 - “For the purposes of Section 23123.5(f) CVC, a radio installed and mounted in a vehicle with a wired hand microphone (e.g., business band or citizen band [CB]radio) is not considered a wireless communication device, nor is it considered a specialized mobile radio device, and therefore is not subject to enforcement under this section.”
- That’s clear
- But the CHP is not the only agency that enforces traffic laws

Distracted Driving Law (3)

- After many complaints, the law was amended and the author issued a press release to “clarify”
 - “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 wired two-way radios for brief communications with one another or dispatch.”
 - “AB 1222 makes a technical change to the 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 communications devices used by trained professionals or properly licensed individuals for brief, verbal communications essential to the functions of the job duties.”
- Now that’s clear
- But he didn’t actually put those words into the law!

Distracted Driving Law – What To Do

- So what should you do?
- Definitely keep a copy of the CVC 23123.5, the CHP memo, the press release and this summary in your glove box
 - The average traffic enforcement officer may not have the latest info
 - All documents are posted on the “Operations” page of our web site
- Note the repeated use of the word “mounted” in the law, CHP memo, and press release
 - In other words, holding an HT in your hand may get you into trouble
- We’re not lawyers; use your own judgement
 - If you don’t feel safe responding to net control while driving, then pull over when and where safe before responding to net control