

(b) An emergency services professional using a wireless telephone while operating an authorized emergency vehicle, in the course and scope of employment.

(c) Persons driving a vehicle on private property.

(2) Effective January 1, 2017, Section 23123.5 CVC was amended by AB 1785, which generally prohibits a driver from holding and operating a handheld wireless telephone or an electronic wireless communications device while driving.

(a) Assembly Bill 1785 substantially expanded the scope of Section 23123.5 CVC, from simply prohibiting the use of a wireless telephone to text while driving, to prohibiting holding and operating a handheld wireless telephone or an electronic wireless communications device while driving. However, a driver may still use a handheld wireless telephone or an electronic wireless communication device while driving when:

1 The handheld wireless communication device is mounted to a windshield (in compliance with Section 26708[b] CVC), dashboard, or center console in a manner which does not interfere with the driver's view of the road; and

2 The driver's hand is used to activate or deactivate a feature with a single tap or swipe of the driver's finger.

NOTE: Section 23123.5 CVC does not apply to manufacturer-installed systems which are "embedded in the vehicle."

(b) An emergency services professional using a wireless telephone while operating an authorized emergency vehicle, in the course and scope of employment, is exempt from this section.

(c) Pursuant to Section 23123.5(f) CVC, the definition of an 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.

(d) 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 radio) is not considered a wireless communication device, and, therefore, is not subject to enforcement under this section.