

**TITLE 9: VEHICLE CODE**  
**DIVISION 5: RULES OF THE ROAD**

**§ 5952. Hand-Held Mobile Electronic Device: Prohibited Use.**

(a) A person shall not drive, operate, or be in actual physical control of a motor vehicle on a public road or highway, including all types of vehicles regulated under this Title, while using a mobile electronic device unless that device is specifically designed and configured to allow for hands-free listening and talking, and that device is used solely for talking in that hands-free manner while driving, operating, or being in actual physical control of the motor vehicle.

(b) “Mobile electronic device” means any handheld or other portable electronic equipment capable of providing wireless or data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, tablet, laptop computer, video game, or digital photographic device, but does not include any equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seats of the motor vehicle.

(c) “Use” or “using” means holding a mobile electronic device while operating, driving, or being in actual physical control of a motor vehicle.

(d) A violation of this section is an infraction punishable by a base fine of three hundred dollars (\$300) for a first offense and five hundred dollars (\$500) for each subsequent offense.

(e) This section does not apply to a person using a mobile electronic device for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

(f) This section does not apply to emergency responders using a mobile electronic device while operating an authorized emergency vehicle in the course and scope of his or her duties. Emergency service professionals include any federal and state law enforcement officers, health care providers, emergency medical technicians, fire fighters, and other similar emergency responders.

(g) This section does not apply to a person when using a digital two-way radio that utilizes a Cellular/Mobile telephone that operates by pressing a push-to-talk feature and does not require immediate proximity to the ear of the user, and the person is driving one of the following vehicles:

- (1) A commercial vehicle as defined in § 1102(e) of this Title.
- (2) A heavy equipment vehicle as defined in § 1102(o) of this Title.
- (3) A motor carrier as defined in § 1102(t) of this Title.
- (4) A motor truck as defined in § 1102(w) of this Title except for pick-up truck as defined § 1102(y) of this Title.
- (5) A tow truck, which is a vehicle used to take disabled motor vehicles to another location in case of a breakdown or collision, or to impound illegally parked vehicles on public or private property.

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(h) This section does not apply to a person driving, operating, or being in actual physical control of a motor vehicle on private property.

(i) This section does not apply to a person driving, operating, or being in actual physical control of a motor vehicle which is at a complete stop, while the engine is turned off, and in a safe location by the side of the road out of the way of traffic.

**Source:** [PL 21-17](#), § 3 (Mar. 21, 2020).