

## Mobile phone law and you

### DON'T THINK "HANDS FREE" MEANS "SCOT FREE" WARNS IAM

Drivers who think they can "beat the ban" on hand held-mobile phones when new laws becomes effective later this month by simply buying hands-free kit for their cars are still putting themselves and their passengers at risk.

That's the warning today (Wednesday 7 February) from the IAM, the UK's largest independent organisation dedicated to road safety and driving standards.

Under the Road Safety Act, from Tuesday 27 February, motorists using hand-held phones at the wheel will face a stiffer penalty - 60 - and three points on their licence.

"Inevitably some drivers will think that they should buy a hands-free kit and the problem will go away," said Peter Rodger, IAM Chief Examiner. "That would certainly suit the manufacturers. But drivers should be aware that they are potentially buying trouble - even when you are hands free, research has shown that you are four times more likely to crash because your concentration is split," he said.

If you do have to use a hands-free kit, keep your conversations short and simple and you should be aware that there are other laws you can be prosecuted under if you are involved in a crash.

"The best advice is to switch off before you drive off - and if you really can't do that, be prepared to stop and find somewhere legal and convenient to return that missed call or check your messages.

"Driving with a hand-held mobile phone is anti-social. Nobody calling you should expect you to risk your life - and your licence - to talk to them on a hand-held phone while you are at the wheel," he said.

"So hands-free does not mean you will get off scot-free. No call is that important that you should risk your life, or that of your passengers."

Three years ago the IAM launched a sticker campaign cautioning "Don't talk to Phoney Drivers".

Mr Rodger said that a full question and answer briefing on mobile phones is available on the IAM website, [iam.org.uk](http://iam.org.uk), together with other driving tips and advice.

ENDS

NR/02/07 7 February 2007

Notes to editors:

The full mobile phone law Question and Answer briefing from the IAM Motoring Trust is attached. We have an ISDN line for interviews. For further information please contact the IAM Press Office, 020 8996 9625, out of hours 0208 996 9600.

### **THE MOBILE PHONE LAW - QUESTIONS AND ANSWERS**

#### **1. What does the ban mean?**

It is a specific offence to use a hand-held phone when driving. A hand-held device is something that is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function. A motorist can regard driving as meaning a vehicle with the engine running. In simple terms you can use a mobile as long as you don't hold the phone and you can't use a hand-held phone if the engine is running.

#### **2. How much is the fine if you get caught using a hand-held mobile when driving?**

Currently motorists will receive a fixed penalty of 30. This will become 60 and 3 penalty points on 27 February 2007.

#### **3. What happens if you take the matter to court?**

Motorists can take the matter to court where the maximum fine is 1000.

( 2,500 for drivers of goods vehicles). Penalty points will also be imposed in courts from 27 February.

#### **4. Can I use a hands-free phone while I'm driving?**

Yes, but you can only use it if it can be operated without holding the phone. Therefore mobile phones should be placed in cradles which are attached to the dashboard. Pushing buttons is permissible.

#### **5. Can I stick the phone on to the dashboard?**

Technically yes, because the law states that you must not hold the phone when making and receiving a call. However, the IAM Motoring Trust urges drivers not to think of methods of replacing the cradle as they could make their driving more dangerous.

#### **6. Will I still get stopped by police if I am using a hands-free phone when driving?**

If you are stopped by police and you are using a hands-free phone while driving, you can face prosecution under other motoring laws. The police can charge you with driving without due care and attention, not being in proper control of the vehicle or even dangerous driving. If there is an accident and you are using a phone you may well be charged with these offences. If someone is killed in an accident where any part of the phone is being used, the driver will almost certainly go to jail.

#### **7. Why is there no ban on hands-free mobiles as well?**

Drivers should remember that the police can use other legislation if a motorist is distracted by a call on a hands-free phone. If there is an accident and the driver is using a phone, then there is a risk of prosecution for dangerous driving. The IAM Motoring Trust also reminds drivers that research shows drivers who use hands-free phones are four times as likely to be involved in an accident.

#### **8. If the Government has banned mobile phones, then why did they not stop people tuning in the radio and talking?**

Many people find using a phone much more intrusive to their concentration than talking to a passenger or having the radio on. It seems harder to ignore the phone conversation. There are many reasons that might explain that, but the effect is the important thing. It distracts too much.

#### **9. Can I make and receive calls if my phone is in a cradle?**

You can push buttons on the phone while it is in a cradle or on the steering wheel or handlebars of a motorbike, as long as it is in the cradle and you don't hold the phone. However, The IAM Motoring Trust urges drivers not to use even hands-free phones as they are four times as likely to be involved in an accident.

#### **10. Can you text and use the internet on your phone while driving?**

The use of mobile phones for these purposes is prohibited if you hold the phone. You can push buttons on a phone while it is in the cradle as this does not breach the new regulation. However, police may use their powers to stop you under other laws. The IAM Motoring Trust urges drivers not to do this as it could be distracting. Research has shown that drivers who use hands-free are four times as likely to be involved in an accident. Looking at the phone to send or read a text message is obviously not looking where you are going, and risks prosecution for dangerous driving.

#### **11. Can motorists use navigation equipment, personal digital assistants (PDAs) or other computer equipment that sends or receives data?**

In theory yes, providing it is not a hand-held device. The Government guidelines state that use of devices other than mobile phones is only prohibited if the device performs an interactive communication function by sending and receiving data. If the device does not perform this type of function, you can use the device without breaching the regulations.

#### **12. Are 2-way radios banned?**

The use of 2-way radio equipment when driving is not included in the offence. The IAM Motoring Trust urges motorists that there is still a risk of distraction and prosecution under other motoring laws.

#### **13. Can I use a hand-held phone when I am stationary in traffic?**

No, the regulations state that driving includes time when stopped at traffic lights or during other hold-ups, so you can't use a hand-held. However, if there was an accident on a motorway, for example, and you are sure you won't move, then you could turn the engine off and then use the phone legally.

#### **14. Can I use my hand-held mobile if it is placed between my ear and shoulder?**

No, because you will be holding the phone and breaking the law.

#### **15. Can I use an earpiece kit if my phone is not in a cradle?**

Technically yes. The IAM Motoring Trust would never recommend using this though because it would be tempting to pick the phone up and then you would be breaking the law. It could also easily fall on the floor and then you are distracted from driver by trying to pick the phone up. You can use an ear-piece kit if the phone is placed in a cradle and you don't hold the phone when receiving a call.

#### **16. Should motorists turn off mobiles when driving?**

The best way to avoid making or receiving calls in the car is to turn the phone off. However, this is not always practical for everyone. It is safer to let the phone ring and return the call when safely parked. However, motorists should remember that the car engine needs to be switched off to make or take the call. Passengers in the car can use their phones.

#### **17. Can I make emergency calls?**

There is an exemption for making 999 calls to the emergency services where it is unsafe or impractical to stop.

#### **18. Who do the regulations apply to?**

The regulations apply to drivers of all motor vehicles, including, cars, motorcycles, goods vehicles, buses, coaches and taxis. They also apply to anyone supervising a learner driver, while the learner is driving.

#### **19. Will cyclists be prosecuted for using a mobile phone while cycling?**

No, but police do have the powers to deal with careless or dangerous cycling.

#### **20. Are employers guilty of an offence if their employees use a hand-held phone while driving?**

The regulations apply to anyone who causes or permits any other person to use a handheld phone while driving. Under Department for Transport guidelines, they consider that employers would not be liable just because they supplied a telephone or because they phoned an employee who was driving. However, employers would probably be liable if they required their employees to use a hand-held phone while driving and might also be liable if they failed to forbid employees to use such phones on company business.

Increasing concern about corporate manslaughter and the likelihood of the Health and Safety Executive becoming involved in cases where a business driver has a fatal accident means that many companies are becoming tough on drivers who use mobile phones. Some are even banning the use of hands-free phones by employees.

#### **21. Do you think hands-free kits are too expensive?**

There is a wide range of hands-free kits on the market and consumers have a choice as to how much they spend. The IAM Motoring Trust says that if a motorist is not prepared to spend the money on the hands-free kit, they should turn the phone off while driving. However, if you are caught using a hand-held mobile twice then that would have easily paid for the hands-free kit.

#### **22. What are the insurance implications if motorists are caught using mobile phones when driving?**

In theory, an insurance company could refuse to pay for damage to your own car if you were breaking the law at the time of the accident (this could include using a mobile telephone).

The effects on your insurance if you have an accident could include loss of no claim bonus which would result in an insurance premium increase by at least 50 per cent.

Some insurance companies increase premiums for drivers with penalty points. From 27 February this means that breaking the mobile phone law will not only cost a fine and points, but could also increase your premium.

A number of convictions, such as drink driving and dangerous driving may result in cover being refused or a significant financial penalty being applied.

#### **23. The police do not bother to enforce the law, and many, many people break it I see them on every journey. Do I really need to comply?**

That is your choice. But The IAM Motoring Trust would point out that in the first year of the law 77,000 drivers were caught and fined. The three points will hurt drivers more than a fine, and we know that with the points will come a whole new enforcement approach.

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Institute of Advanced Motorists

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