

## Answers to questions about cell phone and texting laws

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Starting Thursday (June 10, 2010), texting or using a handheld cell phone while driving becomes a primary offense in most Washington cases, meaning police can use that as the sole reason for stopping a driver.

State rules against driving while texting or using a hand-held phone took effect two years ago. But until this week, violations were a secondary offense, meaning officers have to see another violation, such as speeding, to make a stop.

The fine is \$124.

Law enforcement agencies say they'll rely on what they see when determining if a driver should be pulled over. But what about the gray areas?

Here are answers to some of the most common questions about the cell phone law answered by the State Patrol, Seattle police and the Department of Licensing.

### **Q: When does the hands-free cell phone law not apply?**

**A:** The law states it's acceptable for drivers to use a hand-held cell phone to report illegal activity, summon medical or emergency help or prevent injury to a person or property. If you're calling to report a medical emergency or are reporting a drunken driver, troopers say you get a break.

Read more details [here](#) in the Revised Code of Washington.

### **Q: Do red-light cameras lead to cell-phone tickets?**

**A:** No.

For privacy concerns, state law mandates the cameras photograph only the vehicle and the license plate. No images of the driver or passengers are caught on film.

That's why drivers in some cases can avoid a ticket by signing a declaration stating that he or she was not driving the vehicle at the time of the infraction.

The photos and video clip can be viewed by police, court personnel and the registered vehicle owner on a secure website. Photos also are mailed with the ticket.

All photos and video show the vehicle only from the rear because of the state law that prohibits driver photos.

**Q: Is texting legal if I'm at a stoplight?**

**A:** No, according to the State Patrol.

"Even though you are stopped, you're still in physical control of the automobile, which would require you at a moment's notice to take off," State Patrol Sgt. Freddy Williams said. "Are you going to stop texting immediately when the light turns green?"

Read more [here](#).

**Q: Can I legally text if I pull over to the side of a road?**

**A:** Yes, in most cases.

"At that point, you're no longer on the roadway -- that's what we encourage," Williams said. "If you pull off to the side of the road, there's nothing wrong with that." However, drivers can be ticketed if they pull over on a limited-access freeway, such as Interstate 5, according to the State Patrol.

Read more [here](#).

**Q: Is it legal to hold a cell phone while driving?**

**A:** Holding it to your ear is illegal in most cases.

"But you can hold a cell phone in your hand and use it as a speakerphone," Williams said. "That's not against the law. What's against the law is holding it up against your ear."

Williams points out that using your shoulder to hold a phone to your ear also could be a violation.

Read more [here](#).

**Q: Can I legally check my e-mail or a Web page while driving?**

**A:** Reading text or scrolling the Web on your iPhone or BlackBerry also could get you a \$124 ticket.

"Scrolling is reading," Williams said when given the scenario.

Troopers hear people say that reading an e-mail is not the same as texting. But Williams says driving and reading any text -- a Web page, e-mail, words in an application -- fall under the law that also prohibits sending a text message.

Troopers make a judgment call when determining if a person is reading a text message.

"We go by what we can see, and our officers are reasonable and prudent people," he said. "If they can't positively say a person was wearing a seat belt or texting or illegally talking on a cell phone, they're not going to stop them."

**Q: I heard that after June 10, if any driver under age 18 is driving with a permit or an Intermediate License and using a cell phone -- even with a hands-free device -- they are subject to a \$124 fine and the act is a primary offense. Is that right?**

**A:** Yes.

"Effective June 10, drivers with an intermediate license are prohibited from using wireless devices with or without a hands-free device, unless they're reporting an emergency," State Department of Licensing spokesman Tony Sermonti said. "It will be a primary traffic offense."

In addition to the \$124 fine, a letter sent to the driver's parents or guardians after a violation.

"Teen drivers who have more than two violations can face a suspension of their license or other sanctions," Sermonti said.

**Q: Why are cops exempt from hands-free cell phone law?**

**A:** Police explain that emergency personnel are exempt because of job requirements. And police say talking on a hand-held cell phone is no different than using in-car police computers, or hand-held radios that have been around for decades.

"If you can't multitask on things like that, you'll be washed out of the training course," Seattle Police spokesman Jeff Kappel said.

He also explained that officers sometimes face more serious situations while their cars are in drive.

"I've had to draw my gun in my car before I could put my car in park," Kappel said, recalling a patrol sergeant and others who have done the same.

Read more [here](#).

**Q: If I use my iPad or iPod while driving, does the cell phone law apply and make that illegal?**

**A:** No.

But police say if you're using one of those devices and your driving is affected, you could be cited for second-degree negligent driving.

That's the law police often used to ticket people talking on their handheld cell phone before there was a specific cell phone law. The negligent driving law also applies in some cases where driver's are eating behind the wheel or putting on makeup.