

Distracted Driving Safety Act of 2004 (restrictions on mobile phone use while driving)

Beginning July 1, 2004, it is illegal for motorists to use a mobile phone or other electronic device while driving in the District of Columbia, unless the telephone or device is equipped with a hands-free accessory. The Distracted Driving Safety Act of 2004 is designed to improve traffic safety in DC by reducing the number of crashes caused by inattentive drivers who become distracted by the use of phones or other electronic devices.



Image by Clear Channel Outdoor

- [Distracted Driving Moving Violations and Warnings \(Recent Data\)](#)
- [What does the law prohibit?](#)
- [What types of devices does the law cover?](#)
- [What is a hands-free accessory?](#)
- [Are there exceptions to the prohibition on mobile telephone use?](#)
- [What if the vehicle is stopped by the side of the road?](#)
- [What is the penalty for violating the law?](#)
- [How will the law be enforced?](#)
- [Can violations be contested?](#)
- [How is the District informing motorists about the new law?](#)
- [What is the legislative history of the law?](#)
- [Where can I find additional information about the law?](#)

What does the law prohibit?

The law prohibits “distracted driving” by tightly restricting the use of mobile telephones and other electronic devices while driving in DC. Specifically, the law states that no person shall use a mobile telephone or other electronic device while operating a moving motor vehicle, unless the telephone or device is equipped with a hands-free accessory. Additional restrictions are placed on school bus drivers or individuals with a learner’s permit: they are prohibited from using any mobile phone or other electronic device, even if it has a hands-free accessory, unless they are placing an emergency call.



What types of devices does the law cover?

The law applies to any cellular, analog, wireless or digital telephone capable of sending or receiving telephone messages without an access line for service. The law also covers other electronic devices, including hand-held computers, pagers, personal data assistants (PDAs) and video games.



What is a hands-free accessory?

The law defines a “hands-free accessory” as an attachment, add-on, built-in feature or addition to

a mobile telephone that, when used, allows the driver to maintain both hands on the steering wheel. The hands-free accessory can be either permanently installed in the vehicle or be portable.

.....
[↑ Top](#)

Are there exceptions to the prohibition on mobile telephone use?

Yes. Drivers are allowed to use their mobile phones in certain emergency situations, including calls to 911 and 311, a hospital, ambulance service provider, fire department, law enforcement agency or first-aid squad. In addition, law enforcement or emergency personnel, acting within the scope of their official duties, may use a mobile phone while driving. In addition, the prohibition does not apply to initiating or terminating a phone call, or turning the telephone on or off.

.....
[↑ Top](#)

What if the vehicle is stopped by the side of the road?

The law applies only to drivers operating a moving motor vehicle. The law does not apply to vehicles that are stopped by the side of the road and not moving.

.....
[↑ Top](#)

What is the penalty for violating the law?

The penalty for violating the law is \$100. However, first-time violators can have the fine suspended by providing proof of having acquired a hands-free accessory prior to the imposition of the fine. There are no points imposed on violators of the Distracted Driving Safety Act.

.....
[↑ Top](#)

How will the law be enforced?

During the first 31 days the law is in effect (the month of July 2004), Metropolitan Police officers will issue warnings only to violators of the law. Beginning August 1, 2004, officers will be authorized to issue Notices of Infraction to violators. Officers are permitted to stop and ticket motorists solely for violating the Distracted Driving Safety Act (primary enforcement).

.....
[↑ Top](#)

Can violations be contested?

Yes. Citations issued under the Distracted Driving Safety Act are processed and adjudicated under the same provisions as other moving violations (Title II of the District of Columbia Traffic Adjudication Act of 1978).

.....
[↑ Top](#)

How is the District informing motorists about the new law?

In addition to issuing warnings only during the first month the law is in effect, the Metropolitan Police Department

is working to publicize the dangers of distracted driving and the provisions of the new law through the news media, its website and other means. In addition, the law requires the Department of Motor Vehicles to include educational information on the use of mobile telephones and other electronic devices while driving in the District's Driver and Motorcycle Operator's Study Guide. The DMV is also required to include questions pertaining to distracted driving and mobile telephone use while driving on the driver's license exam.



What is the legislative history of the law?

The Distracted Driving Safety Act was introduced by Councilmembers Kathy Patterson, Sandy Allen, Harold Brazil and Carol Schwartz, and Council Chair Linda Cropp. The bill was approved by the full District of Columbia Council in January 2004 and was signed into law by Mayor Anthony A. Williams later that month. The effective date of the law is July 1, 2004. With enactment of the law, DC joins a small, but growing number of jurisdictions working to improve traffic safety by restricting or prohibiting the use of mobile phones while driving.



Where can I find additional information about the law?

The full text of the Distracted Driving Safety Act is available (in PDF) on the DC Council's website at www.dccouncil.washington.dc.us/images/00001/20040113120047.pdf*. For more information about the MPDC's enforcement plans and other traffic safety issues, contact the Traffic Safety Unit at (202) 576-9264 or visit the Traffic Safety page on the MPDC website (mpdc.dc.gov/mpdc/cwp/view,a,1240,q,548131,mpdcNav_GID,1547.asp).

.....