

# The Shopfront

## YOUTH LEGAL CENTRE

### Traffic Fact Sheet 10 – Driving and mobile phone use

#### 1 Can I drive and use my mobile phone at the same time?

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This depends on what kind of licence you hold. Learner and Provisional drivers are not allowed to use *any* mobile phones while driving, including while waiting at traffic lights or when stuck in traffic.

If you have an unrestricted licence, you may use a hands-free phone but not a hand-held phone.

#### 2 When do the rules apply?

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The rules against using mobile phones while driving also apply if your vehicle is stopped but not parked (eg. if you are stopped in a traffic jam, at a stop sign or at the traffic lights).

The rules also apply to other communication devices (eg. ipads).

The rules *do not* extend to sole function GPS navigation devices.

#### 3 Rules for full (unrestricted) licence holders

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If you have a full licence, there are strict rules for using mobile phones while driving (including if you are stopped in traffic or at the lights).

While you are driving, you *must not hold* a hand-held mobile phone or any communication device.

You *must not even touch* your phone or any communication device, unless it is secured in a mounted cradle fixed to the dashboard of the vehicle, and doesn't obscure your view of the road.

You may use a phone to:

- make or receive a call; or
- use the audio playing function; or
- as a navigation aid;

but only if:

- the phone is in a secured mounting fixed to your dashboard, and not obscuring your view; or
- if not in a mounting, use of the mobile phone must not require a driver to touch or manipulate the phone in any way, for example via Bluetooth or voice activation.

You are not allowed to use your phone to send or read text messages, use social media, take photos, or play games.

Even if you are using your phone legally, if you cannot keep control of your vehicle, you could be charged with negligent driving or a similar offence.

## 4 Special rules for L and P platers

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Learner, P1 and P2 drivers are not allowed to use a mobile phone, for any reason, even hands-free, while driving.

This includes using your phone as a navigational aid. To use GPS, you will need to buy a GPS navigation device.

Remember this includes being stopped but not parked (eg. at a red light or in a traffic jam). If you need to use your phone, you must pull over and park properly.

If a Learner and P1 driver is penalised for illegally using a mobile phone, an offence will exceed their demerit point threshold and face a three-month suspension.

P2 drivers and riders will have 3 demerit points remaining if they are penalised for illegally using a mobile phone.

## 5 Penalties

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The on-the-spot fine for using a hand-held mobile phone (or, if you have a L or P1 licence, any phone) while driving is \$337.

If the offence occurs in a school zone, the fine is \$448.

If you are dealt with by a court, the maximum fine is \$2,200.

The offence also carries 5 demerit points (as from 17 September 2018).

During double demerit point periods, the offence carries 10 demerit points (as from 17 September 2018).

## 6 Use of cameras to detect mobile phone offences

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From 1 July 2018, cameras will be able to detect illegal mobile phone use while driving.

This means that, like with a speed camera, you can be photographed using a mobile phone while driving.

If this happens, you (or the registered owner of the vehicle) will be sent a penalty notice.

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*The information in this fact sheet contains a basic summary of the law in New South Wales. It is not legal advice. If you need legal advice, you should speak to a lawyer.*

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