

A letter from TOMASA DUEÑAS, Chief of Staff for
Assembly Member Bill Quirk (D-20)

Subject: AB 1785 (Quirk, 2016)
Date: Fri, 17 Mar 2017 01:08:43 +0000
From: Duenas, Tomasa <Tomasa.Duenas@asm.ca.gov>
To: Duenas, Tomasa <Tomasa.Duenas@asm.ca.gov>

Thank you for taking the time to email our office regarding your questions on the implementation of AB 1785 (Quirk, 2016) that deals with curtailing distracted driving.

We have been looking into your concerns for several weeks.

The intent of the bill was always to address a deficiency in current law regarding allowable activities with smartphones while driving. I am attaching a fact sheet and letter to the governor to show that.

I know there have been questions regarding the definition of “electronic wireless communications device” found in Section 23123.5(f) of the Vehicle Code.

I have been in discussions with the California Highway Patrol (CHP) and the California Police Chiefs Association who played a critical role in helping us move AB 1785 last year.

I would like to update you on where we are with cleaning up or clarifying the language in Vehicle Code Section 23123.5(f).

First, CHP believes that the intent of the bill was to curtail distracted driving caused by the use of smartphones while driving that extend beyond texting and calling. CHP does not believe that the language in the vehicle code applies to the use of handheld-amateur radio devices. CHP plans to issue a statewide directive that details their official interpretation of the law. I do not have an estimated date for when that will become public. I have been told that it's a priority for CHP and should be available soon. I am happy to email that to you when it becomes available.

Second, we are working to submit a Letter to the Journal. The Assembly Journal serves as official record of the legislative intent behind bills that we pass. This letter will further serve as official record of what Assemblymember Quirk's intent was with AB 1785 – what activities he meant to curtail while people are driving, what technologies this does and does not apply to. As soon as this letter becomes publicly available, I will be glad to send that to you.

Third, we are discussions with CHP, the Police Chiefs and a group of stakeholders regarding the need to update the language. Some of you have sent me suggested edits, and I thank you for that. We are reviewing this with CHP. Assemblymember Quirk has expressed that he will not author a bill that law enforcement is not comfortable with. We introduced AB 1222 as a placeholder as we negotiate and work on language.

If you have any additional questions, please do not hesitate to reach out to me.

Thank you.

TOMASA DUEÑAS
Chief of Staff
Assembly Member Bill Quirk (D-20)