



Safety Bulletin

Using Mobile Phones and Visual Display Units While Driving

Note: For the purposes of the law 'driver' is taken to include rider and 'vehicle' includes motor vehicles, bicycles, and animals being driven or ridden.

Mobile Phones

1. Why is there a law controlling the use mobile phones while driving?

Mobile phones are a source of driver distraction. Driver distraction is “is the diversion of attention away from activities critical for safe driving toward a competing activity”ⁱ

Collectively a number of studies have shown that using a mobile phone while driving increases a driver’s mental workload, slows reaction times, impairs judgment, and reduces awareness of surroundings.ⁱⁱ

This, in turn, increases the risk of being involved in a crash by up to 4 times.ⁱⁱⁱ In recognition of this increased crash risk all States and Territories in Australia have introduced laws controlling the use of mobile phones while driving.

The mobile phone law was introduced in Western Australia on 1 July, 2001 as Regulation 265 of the Road Traffic Code 2000.

2. What does the law say about the use of mobile phones while driving?

Under Regulation 265 a mobile phone may only be used by the driver of a vehicle to make or receive a phone call while driving if the phone is either:

- secured in a mounting affixed to the vehicle; or
- if not secured, can be operated without touching it.

Touching a mobile phone

If a driver wishes to make or receive a phone call while driving, and needs to touch the phone (including the keypad or screen) to do so, the phone must be secured in a mounting affixed to the vehicle.

Operating a mobile phone without touching it

If the phone can be operated without touching it while driving (e.g. using voice activation, a Bluetooth hands-free car kit, ear piece or headset), the phone may be located anywhere in the vehicle, including a pocket in the driver’s clothing or in a pouch worn by the driver, and does not have to be secured in a mounting. The driver may touch a Bluetooth hands-free controller, ear piece or headset to operate the phone while driving.

Messaging using a mobile phone

It is an offence to create, send or look at a text message, video message, email or similar communication while driving, regardless of whether the phone is secured in a mounting or can be operated without touching it. On-screen notification that the phone has received a communication is permitted while driving provided the communication itself or a preview of the communication cannot be viewed.

Note: See your mobile phone manual for instructions on how to turn off all preview functions while driving.

Using the GPS function of a mobile phone

The GPS function of a mobile phone may be used by a driver while driving as long as:

- the phone is secured in a mounting affixed to the vehicle; and
- the driver does not touch the phone (including the keypad or screen) at any time while driving.

Unless the GPS function can be activated and programmed without touching the phone using the GPS function on a mobile phone will require the vehicle to be legally parked at the time the driver turns the GPS function on, programs or resets the GPS, and turns the GPS function off.

3. Can I use another function on my mobile phone while driving?

Modern mobile phones have functions in addition to the ability to make and receive phone calls, other forms of communication, and operate as GPS units. These include, for example, the ability to play music and take photos.

A driver using any of these additional functions while driving cannot at any time while using them:

- touch the phone (including the keypad or screen); or
- be able to view the screen from the normal driving position.

Note: Mobile phones with screens whose additional functions are being used by a driver while driving are treated as visual display units under Regulation 264 of the Road Traffic Code 2000.

4. What will happen if I get caught using a mobile phone illegally while driving?

The penalty for not complying with Regulation 265 is 3 demerit points and a fine of \$400. During nominated holiday periods the demerit points are increased to 6.

5. Can the police charge me with any other offence if using a mobile phone while driving affects my driving?

Yes, if the use of a mobile phone while driving results in unsafe driving on the road it may constitute an offence under the Road Traffic Act 1974 of either careless driving, reckless driving or dangerous driving.

6. If I must have my mobile phone switched on while driving, what is the safest way to use it?

While the law provides for the limited use of a mobile phone while driving, a driver's attention is still diverted from the driving task while doing so.

Ideally, a driver should switch off their mobile phone while driving.

If the mobile phone must be switched on, the safest way to use it is not to make calls while driving, answer only essential incoming calls in accordance with the law, and keep all answered calls short.

7. Does the mobile phone law apply when I am legally parked on the side of the road?

No, the law only applies when driving a vehicle. It does not apply when the vehicle is stationary and legally parked on the side of the road. Driving a vehicle, however, includes when the vehicle is stationary in a traffic queue or stopped at traffic lights and other traffic signs.

The law applies when the vehicle is stationary in a traffic queue or stopped at traffic lights and other traffic signs because the use of a mobile phone in such circumstances is still dangerous. The vehicle is in traffic, traffic conditions change quickly, and using a mobile phone increases a driver's mental workload, slows reaction times, impairs judgment, and reduces awareness of surroundings. To reinforce safe mobile phone behaviours it is recommended that drivers comply with the mobile phone law at all times when using a mobile phone in a vehicle including when legally parked on the side of the road.

Visual Display Units

1. Why is there a law controlling the use of visual display units while driving?

Like mobile phones, visual display units are a source of driver distraction and their inappropriate use increases the risk of being involved in a crash.

2. What does the law say about the use of visual display units while driving?

Regulation 264 prohibits the use of a television receiver or visual display unit in, or on, a vehicle while driving if any part of the image on the screen is visible to the driver from the normal driving position or likely to distract another driver.

Exemptions from Regulation 264

The prohibition does not apply to driver's aids; visual display units used in public buses (e.g. bus number and destination signs); visual display units used in taxis to display work-related information; or visual display units used in police or emergency vehicles that are part of a video recording device or mobile data terminal.

Examples of driver's aids include closed-circuit television security cameras; dispatch systems; navigational or intelligent highway and vehicle system equipment; rear view screens; ticket issuing machines; and vehicle monitoring devices.

It should be noted that, under Regulation 264, a visual display unit that is, or is part of, a driver's aid must either be:

- an integrated part of the vehicle design; or
- secured in a mounting affixed to the vehicle while it is being used.

The phrase 'secured in a mounting affixed to the vehicle' is defined to assist interpretation of the regulation. Such a mounting must be commercially designed and manufactured for that purpose, have the visual display unit secured in it, and the mounting must be affixed to the vehicle in the manner intended by the manufacturer.

3. What will happen if I get caught using a television receiver or visual display unit illegally while driving?

The penalty for not complying with Regulation 264 is 3 demerit points and a fine of \$300.



The information contained in this bulletin has been sourced from the Office of Road Safety

ⁱ Regan, M. A., Lee, J. D., and Young, K. L., eds., 2009. Driver Distraction: Theory, Effects and Mitigation. Boca Raton: CRC Press, p. 34.

ⁱⁱ Regan, M. A., Lee, J. D., and Young, K. L., eds., 2009. Driver Distraction: Theory, Effects and Mitigation. Boca Raton: CRC Press, pp. 169-190

ⁱⁱⁱ . Regan, M. A., Lee, J. D., and Young, K. L., eds., 2009. Driver Distraction: Theory, Effects and Mitigation. Boca Raton: CRC Press, p. 186.