

California Court: Drivers Can Read Cellphone Maps

Scott Smith, Associated Press

FRESNO, Calif. (AP) — Drivers in California can legally read a map on their hand-held cellphones while behind the wheel, a state appeals court ruled Thursday.



The 5th District Court of Appeal reversed the case of a Fresno man who was ticketed in January 2012 for looking at a map on his iPhone 4 while stuck in traffic. The driver, Steven Spriggs, challenged the \$165 fine.

But Spriggs said he's no champion of those who think they can get away with cruising down the road while staring at their phone or engaging in other such dangerous behavior. Spriggs would like the law that ensnared him to be rewritten so officers can do their job unencumbered.

"We're distracted all the time," he said. "If our distractions cause us to drive erratically, we should be arrested for driving erratically."

It's personal for Spriggs, whose son suffered a broken leg from a driver who was chatting on a cellphone. Spriggs said he uses a hands-free device to talk and drive.

The incident that ensnared Spriggs happened when he was stopped by roadwork. He had grabbed his cellphone to find an alternate route when a California Highway Patrol officer on a motorcycle spotted him and wrote the ticket.

Spriggs first challenged the case in traffic court, where he lost, and then appealed it himself to a three-judge panel in Fresno County Superior Court, where he lost a second time.

Determined that the law didn't apply to him, Spriggs took it to the appellate court, but this time with help of a law firm that stepped in to represent him pro bono.

In their 18-page ruling, the appellate judges said California's law that prohibits people from talking on their cellphones without a hands-free device could have been written more clearly, but it doesn't apply to looking at maps on cellphones. The law the CHP officer used to ticket Spriggs applies specifically to people "listening and talking" on cellphones, not using their mobile phone in other ways, the court said.

Texting while driving remains illegal under another California law passed after the one at issue in Spriggs' case.

Attorney Scott Reddie, who represented Spriggs, said it's now up to the state

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attorney general's office to decide if it will challenge Thursday's ruling to the California Supreme Court, which is choosy about which cases it hears. Nicholas Pacilio, a spokesman for Attorney General Kamala Harris, said the office is reviewing the ruling.

Neither Reddie nor Pacilio were familiar with other states that prohibit drivers from looking at cellphone map applications.

Spriggs, who is entitled to recoup his \$165 fine, said the Superior Court judges who had upheld his violation were guilty of overreaching by applying the spotty law to him. He hopes that California legislators will now revisit the issue and fix it.

"They're going to have to do something," he said. "I just hope they take a look at the big picture."

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