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AMENDMENTS TO AND IMPLEMENTATION OF THE 1968 CONVENTIONS ON ROAD TRAFFIC AND ON ROAD SIGNS AND SIGNALS AND THE 1971 EUROPEAN AGREEMENTS SUPPLEMENTING THEM

Use of mobile phones in vehicles

Note by the secretariat

At its thirty-fifth session, the Working Party took note of information from 14 member States on national legislation on the use of mobile phones while driving contained in TRANS/WP.1/2000/21. It encouraged other countries to send relevant information to the secretariat.

15 additional replies were received and are reproduced below. They show that the majority of countries allow only the use of hands-free devices while driving.

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Austria

Since 1 July 1999 it is forbidden in Austria to use the telephone without microphone and earphone while driving a car. Telephones may only be used in connection with microphone and earphone. It must easily be possible for the driver to handle the phone with one hand. The reason for this regulation is to keep the driver´s mind on the happenings on the street. The intention is to raise traffic-safety avoiding the distraction of the driver.

There are two different kinds of hands-free devices allowed and available in Austria. In the case of the fixed hands-free devices the car is equipped with earphone and microphone that cannot be removed. In the case of the mobile hands-free devices earphone and microphone are installed on the mobile phone itself.

For violations of these provisions (using the telephone without a hands free device) a fine of 300 schillings has to be paid.

Czech Republic

A driver must not hold a telephone or other communication device in his hand while driving.

Denmark

Since 1 July 1998 it has been forbidden to use hand-held mobile phones when driving a vehicle in Denmark.

Finland

The use of mobile phones while driving is not mentioned in our legislation. But there is a more general regulation concerning this item. Radio or TV receivers or any other sound reproducer or communication equipment may not be used while driving if the use may disturb the driver´s concentration while driving. In Finland we have already had discussions about forbidding the use of mobile phone while driving if it is not hands-free.

Georgia

Until now there is no national law or regulation in Georgia on the use of mobile phones while driving. Nevertheless the widespread use of mobile phones in Georgia is causing serious safety problems while driving. Georgian authorities are aware of this problem and are very interested in any proposal or experience from other countries concerning how it could be addressed.

Germany

The following will enter into force in Germany on 1 February 2001:

It is forbidden for a driver to use a mobile or car phone, if by doing so, he must hang up or otherwise handle the mobile phone or car telephone set. This does not apply when the vehicle is stopped or in the case of a motor vehicle when the engine is switched off.

Israel

The law in Israel permits the use of a mobile phone by the driver while driving, but the phone may not be hand-held. The law stipulates that the condition for using a mobile phone during driving is that it is done only by using a microphone built-in in the vehicle.

This version is the last of several versions which were used in the past and were eventually dropped because of technical improvements in communication equipment.

The law does not prohibit the use of a head-set, as long as one ear is not occupied by an earphone.

The use of a microphone-on-a-string attached to a mobile phone (and not installed in the vehicle) is not permitted.

The enforcement of this law is not easy and frequent technical improvements make it even more of a problem. The fine for (deliberately) violating this law is INS 750, i.e., ±$190. This is considered a heavy fine in Israel.

Latvia

Use of a mobile phone while driving is permitted only if it is attached to hands-free equipment (driver may not hold the telephone).

Malta

The usage of mobile phones while driving is considered to be a traffic offence in Malta falling under the general provisions of the following regulations contained in the Motor Vehicles Regulations of 1994:

‘68 A person driving a motor vehicle shall be so seated as to have complete control of the motor vehicle……’.

69(3) No person shall drive any motor vehicles whilst wearing or using headphones or any other similar device which hinders or is likely to hinder him from hearing properly’.

Poland

In Poland the use of mobile phones while driving is permitted provided it is hands-free equipment.

Portugal

The use of mobile phones is forbidden while driving. The use of mobile phones with Hands-free kits in a car is allowed.

Romania

The provisions of the Romanian Traffic Code permit the use of hands-free mobile phone systems only.

Russian Federation

The legislation of the Russian Federation does not contain any provisions concerning the use of mobile telephones. However, owing to the rapid development of this means of communication and on the basis of experience in other countries, relevant proposals to amend and supplement the Highway Code with a view to banning the use in motor vehicles of all but hands-free mobile phones have already been formulated and submitted to the Government.

Switzerland

Article 31, para. 3 of the Swiss Road Traffic Act states that the motorist must ensure that he is not hindered while driving, either by freight or otherwise.

According to art. 3, para. 1 of the Swiss Traffic Regulations Decree (TRD), the motorist must focus his attention on the road and the road traffic. When driving, he must keep control over his vehicle; therefore, he may not do anything interfering with driving. He must also take care not to have his attention disturbed by radio or other sound producing devices.

The Swiss Federal Court put those statutes into practice in 1994, when it gave a decision on a case concerning the use of telephones while driving. The grounds of the judgement were the following:

"According to art.3, para. 1 TRD, using a phone while driving is an activity which makes it more difficult to keep control over the vehicle, if it is necessary to hold a receiver or another device with one hand. The same applies when the phone device is held between the head and the shoulder. Mere talking by phone, however, does not disturb the driver’s attention any more than does ordinary talking with car passengers."

The reasoning of the judgement led to the conclusion that using hands-free devices may continue to be allowed. Referring to that Court decision, the legislative authorities completed the list of offences subject to fines – set up in the Decree on regular fines – by a new penal offense, i.e. "using a telephone device which is not hands free while driving", and set the fine at 100 Swiss francs. The new punishable act is based directly upon art.3, para.1 of TRD.

United Kingdom

In the United Kingdom, the use of mobile phones while driving is not directly regulated. However, we do have regulations which say that drivers must have proper control of their vehicles at all times (the Road Vehicles (Construction and Use Regulations) 1986). Under these, a driver can be prosecuted in court and, if found guilty, face a fine of up to £2,500. The police may use this regulation where they see someone driving poorly because he is using a mobile phone. A driver may also be prosecuted in court for careless and inconsiderate driving or even dangerous driving (the Road Traffic Act 1988, as amended). Conviction may result in disqualification, a fine of up to £2,500 and an endorsement of 3-9 penalty points (in the case of dangerous driving, the penalty increases to prison for up to 2 years and an unlimited fine).

The police are satisfied at the moment that the existing law is sufficient to allow them to deal with irresponsible drivers.

We are of course concerned about the use of mobile phones while driving. However, we also recognise that mobile phones are very popular and that when used properly, phones in cars can have many benefits. Therefore we stress in our publicity that drivers should only use their phones when they have found a safe place to stop.

We have said we will keep the whole issue under review. If we cannot persuade drivers they should not use a mobile phone while driving, we accept that we may have to introduce new legislation in the future. Our policy is in our Road Safety Strategy, which was launched on 1 March 2000 (see www.roads.detr.gov.uk/roadsafety/strategy/tomorrow/index.htm). Mobile phones are on page 31.
