

FAQS

CONTENTS

Page 2

Is it legal to use a mobile phone while driving?

What are the new penalties for illegal use of a mobile phone by a driver, rider, or cyclist?

Page 3

Why have the penalties increased?

Will I get double demerit points if caught on long weekends or during holiday periods?

I drive an on-demand transport vehicle. Can I touch my phone while driving on the job?

Page 4

I work for a food delivery company. Do the amendments apply to me?

Can I use the map app on my mobile phone while driving or riding?



MOBILE PHONE PENALTY AMENDMENTS

The State Government has amended Regulation 265 of the Road Traffic Code 2000 to increase penalties for the illegal use of mobile phone by a driver, rider or cyclist in Western Australia from 1 September 2020.

The amendments also allow drivers of on-demand transport vehicles to touch a phone being used as a dispatch system from 1 September 2020. The following FAQs explain the amendments.

IS IT LEGAL TO USE A MOBILE PHONE WHILE DRIVING?

A driver or cyclist is permitted to touch a mobile phone that is securely mounted to the vehicle or bicycle to accept or end a phone call. Any other action will result in an infringement, and for those driving a vehicle, a demerit point penalty as well.



WHAT ARE THE NEW PENALTIES FOR ILLEGAL USE OF A MOBILE PHONE BY A DRIVER, RIDER, OR CYCLIST?

From 1 September 2020, drivers caught holding or touching their phone to make a voice call will receive an increased penalty of a \$500 infringement and three demerit points.

A higher penalty of a \$1000 infringement and four demerit points will apply to drivers who create or view a text or video, use video chat, use other function or app on their phone that can result in a high level of driver distraction.



Creating or viewing a text, social media, mobile app, video or similar

4 demerit points
\$1,000 infringement



Touching or holding a mobile phone to make voice calls

3 demerit points
\$500 infringement

WHY HAVE THE PENALTIES INCREASED?

The State Government has increased penalties for illegal mobile phone use while driving, riding, or cycling to reduce road trauma due to driver distraction and inattention.

Inattention as a factor in fatalities in WA has increased in recent years, with 31 fatalities (19%) recorded in inattention related crashes in 2019. This was a 48% increase compared to the preceding five-year average of 21.

The new penalties are some of the toughest in Australia, to deter drivers from reaching for the phone while driving putting themselves and other road users at risk.

WILL I GET DOUBLE DEMERIT POINTS IF CAUGHT ON LONG WEEKENDS OR DURING HOLIDAY PERIODS?

Double demerit points apply to drivers and motorcycle riders convicted of a mobile phone offence on legislated long weekend and holiday periods in Western Australia.

Demerit points do not apply to cyclists caught using their phone illegally.

I DRIVE AN ON-DEMAND TRANSPORT VEHICLE. CAN I TOUCH MY PHONE WHILE DRIVING ON THE JOB?

These amendments allow drivers of on-demand transport vehicles to touch a phone securely mounted to the vehicle to accept, confirm the start of or decline a job ONLY. However, they are NOT permitted to touch their phone for ANY reason if they are travelling:

- in a school zone during the school zone activated period;
- on the freeway;
- on a road with a speed limit of 80km/h or more; or
- in a SLOMO or slow down, move over situation, where a vehicle must slow down to 40km/h to pass an emergency response vehicle with lights activated parked on the side of the road.

Drivers of on-demand transport vehicles must NOT touch the phone to use any other function on the phone, including other actions within their dispatch app.

I WORK FOR A FOOD DELIVERY COMPANY. DO THE ON-DEMAND TRANSPORT DRIVER EXCEPTIONS APPLY TO ME?

No, these amendments ONLY apply to drivers of on-demand vehicles that are for the carrying or intending to carry passengers. On-demand food delivery drivers or riders are not permitted to touch their mobile phone if it is being used as a dispatch system for an on-demand food delivery company. If you are caught touching your phone while riding or driving to deliver food to a customer, the new penalties will apply.

CAN I USE THE MAP APP ON MY MOBILE PHONE WHILE DRIVING OR RIDING?

All drivers are permitted to use their mobile phone as a navigational tool, but only if the phone is placed in a mounting secured to the vehicle, and the route is set and started before driving or riding commences. If you touch the phone while driving to change the function of the navigational app, even when secured in a mounting, you face a \$1000 infringement and 4 demerit points.