

Information Note: Road Traffic Act 2006 (Restriction on Use of Mobile Phones) Regulations 2014.

What do they do?

The regulations make it an offence to send or read a text message from a mobile phone while driving a mechanically propelled vehicle.

These regulations apply to mobile phones which are not being held, i.e. to hands-free devices.

'Text message' in these regulations includes an SMS or MMS message, or an email.

'MMS' means a Multimedia Messaging Service which sends messages that include multimedia content between mobile or fixed numbers assigned in accordance with national numbering plans.

'SMS' means a Short Message Service text message, composed principally of alphabetical or numerical characters, capable of being sent between mobile or fixed numbers assigned in accordance with national numbering plans.

How is this new?

Legislation already in place makes it an offence to HOLD a mobile phone while driving. Before now, the legislation has not applied to mobile phones NOT being held.

What do they NOT do?

Contrary to some misleading media reports, they do not make it an offence to speak via a hands-free device. Nor do they make it an offence to touch a button on a hand-free device in order to answer a phone call.

When do they come into effect?

1 May 2014

What is the Penalty?

From coming into effect of the regulations, they will be subject to the general penalty under section 102 of the Road Traffic Act 1961, as amended. This means that cases will come to court and, if convicted, the penalty will be:

- €1,000 maximum fine for a first offence
- €2,000 maximum fine for a second or subsequent offence
- €2,000 maximum fine and/or up to three months in prison for a third or subsequent offence within a twelve month period.

In the longer term, the offence under these regulations will be brought within the fixed charge offence/penalty point regime. This will require primary legislation, and will be included in the next Road Traffic Bill.

Why is this being done?

Evidence shows that driver distraction is one of the major risk factors in causing road traffic collisions. Reading text messages, and especially composing text messages, makes drivers take their eyes and minds off the road, and can create serious risks.

The Department would advise drivers to be aware of all potential distractions, and not only those prohibited by law. Ultimately, careful driving is the responsibility of each individual when they are in charge of a vehicle.