

CHAPTER 167
2017 -- S 0175 SUBSTITUTE A
Enacted 07/10/2017

A N A C T
RELATING TO MOTOR AND OTHER VEHICLES - MOBILE TELEPHONE USE

Introduced By: Senators Sosnowski, Lombardo, Coyne, Conley, and Lombardi

Date Introduced: February 01, 2017

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 31-22 of the General Laws entitled "Miscellaneous Rules" is hereby amended by adding thereto the following section:

31-22-31. Mobile telephone usage by motor vehicle operators.

(a) For purposes of this section, the following terms shall have the following meanings:

(1) "Engage in a call" means talking into or listening on a hand-held personal wireless communication device, but does not include holding a hand-held personal wireless communication device to activate, deactivate, or initiate a function of such telephone.

(2) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a personal wireless communication device, whether or not permanently installed in a motor vehicle, that, when used, allows the vehicle operator to maintain both hands on the steering wheel.

(3) "Hands-free personal wireless communication device" means a hand-held personal wireless communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such hand-held personal wireless communication device, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate, or initiate a function of such telephone.

(4) "Hand-held personal wireless communication device" means a personal wireless communication device with which a user engages in a call using at least one hand.

(5) "Immediate proximity" means the distance that permits the operator of a hand-held personal wireless communication device to hear telecommunications transmitted over such hand-held personal wireless communication device, but does not require physical contact with such operator's ear.

(6) "Mobile telephone" means a personal wireless communication device, analog, wireless, or digital telephone capable of sending or receiving telephone communication without an access line for service.

(7) "Public utility" means a business that provides electricity, natural gas, water, and communications and other information services to residential and commercial customers.

(8) "Using" or "use" means holding a hand-held personal wireless communication device to, or in the immediate proximity of, the user's ear.

(b)(1) Except as otherwise provided in this section, no person shall operate a motor vehicle, while using a hand-held personal wireless communication device to engage in a call while such vehicle is in motion.

(2) An operator of a motor vehicle who holds a hand-held personal wireless communication device to, or in the immediate proximity of, the operator's ear while such vehicle

is in motion is presumed to be engaging in a call within the meaning of this section. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in a call.

(3) The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a hand-held personal wireless communication device, unless otherwise provided by law.

(4) Subsection (b)(1) of this section shall not apply to:

(i) The use of a hand-held personal wireless communication device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office or health clinic; an ambulance company; a fire department; a police department; or a public utility; or

(ii) Any of the following persons while in the performance of their official duties and within the scope of their employment: a peace officer, as defined in §12-7-21, a firefighter or an operator of an ambulance or authorized emergency vehicle, or the operator of a taxi cab, tow truck, or bus without passengers; or employees or agents of a public utility; or

(iii) The use of a hands-free personal wireless communication device.

(c) Any person who violates the provisions of subsection (b)(1) of this section shall be fined not more than one hundred dollars (\$100) except that the fine shall be suspended for a first-time violator, who provides proof of acquisition of a hands-free accessory subsequent to the violation, but prior to the imposition of a fine.

SECTION 2. This act shall take effect on June 1, 2018.

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