



# Senate

General Assembly

**File No. 285**

*January Session, 2003*

Senate Bill No. 441

*Senate, April 10, 2003*

The Committee on Transportation reported through SEN. CIOTTO of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## ***AN ACT CONCERNING DISTRACTED DRIVING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) No person shall  
2 engage in any activity not related to the actual operation of a motor  
3 vehicle in a manner that interferes with the safe operation of that  
4 vehicle on any highway, as defined in subsection (a) of section 14-1 of  
5 the general statutes. The provisions of this section shall not apply to (1)  
6 the use of a telecommunications device for the purpose of calling 9-1-1,  
7 or otherwise communicating with any of the following regarding an  
8 emergency situation: An emergency response operator, a hospital,  
9 physician's office, health clinic, an ambulance company, a fire  
10 department, district or company, or a police department, or (2) any of  
11 the following persons while in the performance of their official duties:  
12 A police officer or peace officer, a member of a fire department, district  
13 or company, or the operator of an authorized emergency vehicle.

14 (b) An operator of a motor vehicle who commits a moving violation,

15 as defined in subsection (a) of section 14-111g of the general statutes,  
16 while engaged in any activity prohibited under subsection (a) of this  
17 section shall be fined seventy-five dollars in addition to any penalty or  
18 fine imposed for the moving violation. Any police officer who issues a  
19 summons for a violation of this section shall identify the cause of the  
20 distracted driving on the back of the summons in the area designated  
21 as "report to prosecutors".

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

**TRA**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Judicial Dept.	GF - Revenue Gain	100,000 - 400,000	100,000 - 400,000
Criminal Justice Agencies	GF - None	None	None
Motor Vehicle Dept.	GF - None	None	None

Note: GF=General Fund

#### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Municipal Police Departments	None	None	None

#### **Explanation**

The bill makes driving while distracted an infraction when a motor vehicle operator also commits a moving violation. The bill establishes a \$75 fine for driving while distracted that is in addition to any penalty or fine imposed for the moving violation. It is estimated that the bill would generate \$100,000 - \$400,000 in revenue from fines annually.<sup>1</sup> It appears that these revenues would be deposited in the General Fund since the bill does not include any reference or modification to the statutes concerning the Special Transportation Fund, where most motor vehicle related infractions are deposited.

The workload increase related to enforcement, prosecution and adjudication of the bill's infraction is anticipated to be minor since it is linked to existing motor vehicle violations. Consequently, additional appropriations would not be needed.

Passage of this bill would have no impact on the Department of

Motor Vehicles.

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<sup>1</sup> This estimate assumes that 1% - 5% of moving violation convictions (FY 02 = 114,364) include some form of infraction described in the bill.

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**OLR Bill Analysis**

SB 441

**AN ACT CONCERNING DISTRACTED DRIVING****SUMMARY:**

This bill prohibits a driver from engaging in any activity while driving that is not related to the actual operation of the vehicle and interferes with its safe operation. The prohibition does not apply to (1) using a telecommunications device to call 911 or to communicate with an emergency response operator, hospital, physician's office, health clinic, ambulance company, fire department, or police department about an emergency situation or (2) any police or peace officer, operator of an emergency vehicle, or member of a fire unit or department while they are performing official duties.

The bill requires anyone who commits certain moving violations while engaged in an activity that interferes with a vehicle's safe operation to pay an additional \$75 fine besides the penalty imposed for the moving violation. It requires a police officer issuing a summons for distracted driving to identify the cause of the distracted driving on the back of the summons form in the area designated "report to prosecutors."

EFFECTIVE DATE: October 1, 2003

**MOVING VIOLATIONS FOR WHICH THE ADDITIONAL PENALTY APPLIES**

The table below indicates the moving violations for which the additional \$75 fine would apply for engaging in a districting activity while driving.

<i>Statute Section</i>	<i>Moving Violation</i>	<i>Statute Section</i>	<i>Moving Violation</i>
<b>14-218a</b>	Traveling Unreasonably Fast	<b>14-241</b>	Improper turn
<b>14-219</b>	Speeding	<b>14-242</b>	Restricted Turns- Failure to Signal
<b>14-222</b>	Reckless Driving	<b>14-243</b>	Unsafe Backing

<b>14-223</b>	Disobeying Signal of Officer	<b>14-244</b>	Improper Signaling
<b>14-230</b>	Failure to Drive to the Right	<b>14-245</b>	Failure to Grant Right of Way at Intersection
<b>14-230a</b>	Commercial Vehicle Use of Restricted Left Lane	<b>14-246a</b>	Failure to Grant Right of Way at Highway Junction
<b>14-231</b>	Failure to Grant One-Half of the Highway	<b>14-247</b>	Failure to Grant Right of Way at Private Road or Driveway
<b>14-232</b>	Improper Passing	<b>14-247a</b>	Failure to Grant Right of Way to Pedestrian or Traffic When Emerging From Alley, Driveway, or Building
<b>14-233</b>	Passing on the Right	<b>14-248a</b>	Failure to Slow or Stop at Cattle Crossing
<b>14-234</b>	Passing in No Passing Zone	<b>14-248b</b>	Failure to Grant Right of Way at Cattle Crossing
<b>14-235</b>	Failure to Keep Right on Curve or Hill or at Intersection or RR Crossing	<b>14-249</b>	Failure to Stop at Railroad Crossing When Signals are Operating
<b>14-236</b>	Failure to Drive in Proper Lane on Limited Access Highway	<b>14-279</b>	Passing Stopped School Bus
<b>14-237</b>	Driving Wrong Way on Divided Highway	<b>14-289b</b>	Violating Motorcycle Operating Rules
<b>14-238</b>	Entering Controlled Access Highway at Other Than Designated Entry or Exit	<b>14-299</b>	Failing to Obey Traffic Control Signal
<b>14-238a</b>	Entering Limited Access Highway at Other Than	<b>14-301</b>	Failing to Grant Right of Way to Pedestrian in Crosswalk and

	Designated Point		Related Violations
<b>14-239</b>	Wrong Way on One-Way Highway	<b>14-302</b>	Disregarding Yield Signs
<b>14-240</b>	Following Too Closely	<b>14-303</b>	Driving Wrong Way on One Way Street
<b>14-240a</b>	Tailgating to Intimidate or Harass		

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Report  
Yea 25 Nay 1