



General Assembly

February Session, 2004

Amendment

LCO No. 4171

SB0051104171SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FREEDMAN, 26th Dist.

To: Subst. Senate Bill No. 511

File No. 434

Cal. No. 326

**"AN ACT AUTHORIZING LAW ENFORCEMENT OFFICIALS TO
SUBPOENA TELEPHONE RECORDS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Sec. 501. (NEW) (*Effective October 1, 2004*) (a) For the purposes of
4 this section:

5 (1) "Hands-free mobile telephone" means a mobile telephone with
6 speakerphone capability or an attachment, add-on or addition to a
7 mobile telephone or other piece of equipment, whether or not
8 permanently installed in the motor vehicle, that when used allows the
9 operator of a motor vehicle to maintain both hands on the steering
10 device; and

11 (2) "Mobile telephone" includes, but is not limited to, any cellular,
12 analog, wireless and digital telephone capable of sending or receiving
13 telephone communications without an access line for service.

14 (b) On or after January 1, 2005, no operator of a motor vehicle shall
 15 use a mobile telephone while such motor vehicle is in motion on a
 16 public highway or private road unless the operator is using a hands-
 17 free mobile telephone or is: (1) An operator who is alone and
 18 reasonably fears for his or her safety or reasonably believes that a
 19 criminal act may be perpetrated against him or her; (2) an operator
 20 who is using such mobile telephone to contact an emergency 9-1-1
 21 system to report what such operator reasonably believes is an
 22 emergency or the commission of a crime or motor vehicle violation; (3)
 23 an operator of a school bus with passengers who uses such mobile
 24 telephone to call for assistance when the school bus experiences a
 25 mechanical breakdown or an emergency arises that endangers the
 26 operator or the passengers; or (4) a peace officer, as defined in
 27 subdivision (9) of section 53a-3 of the general statutes, a firefighter or
 28 an operator of an ambulance, authorized emergency vehicle, as
 29 defined in subdivision (4) of subsection (a) of section 14-1 of the
 30 general statutes, bus, school bus without passengers, taxi cab or tow
 31 truck who uses such mobile telephone while acting in the performance
 32 of his or her duties and within the scope of his or her employment.

33 (c) Nothing in this section shall be construed to prohibit any
 34 passenger in a motor vehicle, other than the operator of such motor
 35 vehicle, from using a mobile telephone while the motor vehicle is in
 36 motion.

37 (d) Any person who violates this section shall have committed an
 38 infraction and shall be fined not more than seventy-five dollars. Each
 39 such violation shall be a separate and distinct offense."

This act shall take effect as follows:	
Sec. 501	October 1, 2004