



General Assembly

**Amendment**

January Session, 2005

LCO No. 5764

\*HB0672205764HDO\*

Offered by:

REP. ROY, 119<sup>th</sup> Dist.

REP. STONE, 134<sup>th</sup> Dist.

SEN. CIOTTO, 9<sup>th</sup> Dist.

To: Subst. House Bill No. 6722

File No. 290

Cal. No. 254

**"AN ACT CONCERNING THE USE OF HAND-HELD MOBILE  
TELEPHONES AND HAND-HELD MOBILE ELECTRONIC DEVICES  
BY OPERATORS OF MOTOR VEHICLES."**

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

3 "Section 1. (NEW) (*Effective October 1, 2005*) (a) For purposes of this  
4 section, the following terms have the following meanings:

5 (1) "Mobile telephone" means a cellular, analog, wireless or digital  
6 telephone capable of sending or receiving telephone communications  
7 without an access line for service.

8 (2) "Using" or "use" means holding a hand-held mobile telephone to,  
9 or in the immediate proximity of, the user's ear.

10 (3) "Hand-held mobile telephone" means a mobile telephone with  
11 which a user engages in a call using at least one hand.

12 (4) "Hands-free accessory" means an attachment, add-on, built-in  
13 feature, or addition to a mobile telephone, whether or not permanently  
14 installed in a motor vehicle, that, when used, allows the vehicle  
15 operator to maintain both hands on the steering wheel.

16 (5) "Hands-free mobile telephone" means a hand-held mobile  
17 telephone that has an internal feature or function, or that is equipped  
18 with an attachment or addition, whether or not permanently part of  
19 such hand-held mobile telephone, by which a user engages in a call  
20 without the use of either hand, whether or not the use of either hand is  
21 necessary to activate, deactivate or initiate a function of such  
22 telephone.

23 (6) "Engage in a call" means talking into or listening on a hand-held  
24 mobile telephone, but does not include holding a hand-held mobile  
25 telephone to activate, deactivate or initiate a function of such  
26 telephone.

27 (7) "Immediate proximity" means the distance that permits the  
28 operator of a hand-held mobile telephone to hear telecommunications  
29 transmitted over such hand-held mobile telephone, but does not  
30 require physical contact with such operator's ear.

31 (b) (1) Except as otherwise provided in this section and section 2 of  
32 this act, no person shall operate a motor vehicle upon a highway, as  
33 defined in subsection (a) of section 14-1 of the general statutes, while  
34 using a hand-held mobile telephone to engage in a call while such  
35 vehicle is in motion. (2) An operator of a motor vehicle who holds a  
36 hand-held mobile telephone to, or in the immediate proximity of, his  
37 or her ear while such vehicle is in motion is presumed to be engaging  
38 in a call within the meaning of this section. The presumption  
39 established by this subdivision is rebuttable by evidence tending to  
40 show that the operator was not engaged in a call. (3) The provisions of  
41 this section shall not be construed as authorizing the seizure or  
42 forfeiture of a hand-held mobile telephone, unless otherwise provided  
43 by law. (4) Subdivision (1) of this subsection does not apply to: (A) The

44 use of a hand-held mobile telephone for the sole purpose of  
45 communicating with any of the following regarding an emergency  
46 situation: An emergency response operator; a hospital, physician's  
47 office or health clinic; an ambulance company; a fire department; or a  
48 police department, or (B) any of the following persons while in the  
49 performance of his or her official duties and within the scope of his or  
50 her employment: A peace officer, as defined in subdivision (9) of  
51 section 53a-3 of the general statutes, a firefighter or an operator of an  
52 ambulance or authorized emergency vehicle, as defined in subsection  
53 (a) of section 14-1 of the general statutes, or the operator of a taxi cab,  
54 tow truck or bus without passengers, or (C) the use of a hands-free  
55 mobile telephone.

56 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) No person shall use a  
57 hand-held mobile telephone or other electronic device, including those  
58 with hands-free accessories, while operating a moving school bus that  
59 is carrying passengers, except that this section does not apply to (1) a  
60 school bus driver who places an emergency call to school officials, or  
61 (2) the use of a hand-held mobile telephone as provided in  
62 subparagraph (A) of subdivision (4) of subsection (b) of section 1 of  
63 this act.

64 (b) No person who holds a learner's permit or any holder of a motor  
65 vehicle license subject to the requirements of subsection (d) of section  
66 14-36 of the general statutes shall use any hand-held mobile telephone  
67 or other electronic device, including those with hands-free accessories,  
68 while operating a moving motor vehicle on a public highway except as  
69 provided in subparagraph (A) of subdivision (4) of subsection (b) of  
70 section 1 of this act.

71 Sec. 3. (NEW) (*Effective October 1, 2005*) Any person who violates  
72 section 1 of this act shall be fined not more than one hundred dollars,  
73 except that the fine shall be suspended for a first time violator who  
74 provides proof of acquisition of a hands-free accessory subsequent to  
75 the violation but prior to the imposition of a fine.

76 Sec. 4. (NEW) (*Effective October 1, 2005*) Any person who violates  
77 section 2 of this act shall be fined not more than one hundred dollars.

78 Sec. 5. (NEW) (*Effective October 1, 2005*) Except as provided in  
79 sections 1 and 2 of this act, no person shall engage in any activity not  
80 related to the actual operation of a motor vehicle in a manner that  
81 interferes with the safe operation of such vehicle on any highway, as  
82 defined in subsection (a) of section 14-1 of the general statutes.

83 Sec. 6. (NEW) (*Effective October 1, 2005*) An operator of a motor  
84 vehicle who commits a moving violation, as defined in subsection (a)  
85 of section 14-111g of the general statutes, while engaged in any activity  
86 prohibited under section 5 of this act shall be fined one hundred  
87 dollars in addition to any penalty or fine imposed for the moving  
88 violation.

89 Sec. 7. (NEW) (*Effective October 1, 2005*) Any law enforcement officer  
90 who issues a summons for a violation of section 1, 2 or 6 of this act  
91 shall record, on any summons form issued in connection with the  
92 matter, the specific nature of any distracted driving behavior observed  
93 by such officer that contributed to the issuance of such summons.

94 Sec. 8. Subsection (b) of section 51-164n of the general statutes is  
95 repealed and the following is substituted in lieu thereof (*Effective*  
96 *October 1, 2005*):

97 (b) Notwithstanding any provision of the general statutes, any  
98 person who is alleged to have committed (1) a violation under the  
99 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
100 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-  
101 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,  
102 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
103 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
104 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
105 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
106 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
107 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,

108 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
109 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
110 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
111 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
112 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
113 14-153 or 14-163b, a first violation as specified in subsection (f) of  
114 section 14-164i, section 14-219 as specified in subsection (e) of said  
115 section, section 14-240, sections 1 to 7, inclusive, of this act, section 14-  
116 249 or 14-250, subsection (a), (b) or (c) of section 14-261a, section 14-  
117 262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279,  
118 subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320,  
119 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of  
120 section 14-386a, section 15-33, subsection (a) of section 15-115, section  
121 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-  
122 22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-  
123 124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736,  
124 section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-  
125 87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,  
126 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,  
127 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,  
128 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-  
129 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-  
130 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,  
131 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-  
132 79, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-  
133 15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b,  
134 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-  
135 100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-  
136 342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-  
137 391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section  
138 22a-250, subsection (e) of section 22a-256h, subsection (a) of section  
139 22a-381d, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b,  
140 subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21,  
141 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97,  
142 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-

143 224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-  
 144 198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-  
 145 86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-  
 146 24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48,  
 147 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-  
 148 69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134,  
 149 subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450,  
 150 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section  
 151 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16 or 53-133,  
 152 subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-  
 153 252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-  
 154 344 or 53-450, or (2) a violation under the provisions of chapter 268, or  
 155 (3) a violation of any regulation adopted in accordance with the  
 156 provisions of section 12-484, 12-487 or 13b-410, shall follow the  
 157 procedures set forth in this section."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	New section
Sec. 4	<i>October 1, 2005</i>	New section
Sec. 5	<i>October 1, 2005</i>	New section
Sec. 6	<i>October 1, 2005</i>	New section
Sec. 7	<i>October 1, 2005</i>	New section
Sec. 8	<i>October 1, 2005</i>	51-164n(b)