



General Assembly

Amendment

January Session, 2005

LCO No. 7428

HB0695907428SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
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To: Subst. House Bill No. 6959

File No. 587

Cal. No. 544

**"AN ACT CONCERNING ACCIDENTS INVOLVING STATE
VEHICLES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 1 of substitute house bill 6722 of the current
4 session is repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2005*):

6 (a) For purposes of this section and section 2 of substitute house bill
7 6722 of the current session, as amended by this act, the following terms
8 have the following meanings:

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

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

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

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

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

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

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

35 (8) "Mobile electronic device" means any hand-held or other
36 portable electronic equipment capable of providing data
37 communication between two or more persons, including a text
38 messaging device, a paging device, a personal digital assistant, a
39 laptop computer, equipment that is capable of playing a video game or
40 a digital video disk, or equipment on which digital photographs are
41 taken or transmitted, or any combination thereof, but does not include
42 any audio equipment or any equipment installed in a motor vehicle for

43 the purpose of providing navigation, emergency assistance to the
44 operator of such motor vehicle or video entertainment to the
45 passengers in the rear seats of such motor vehicle.

46 (b) (1) Except as otherwise provided in this section and section 2 of
47 [this act] substitute house bill 6722 of the current session, as amended
48 by this act, no person shall operate a motor vehicle upon a highway, as
49 defined in subsection (a) of section 14-1 of the general statutes, while
50 using a hand-held mobile telephone to engage in a call or while using a
51 mobile electronic device while such vehicle is in motion. (2) An
52 operator of a motor vehicle who holds a hand-held mobile telephone
53 to, or in the immediate proximity of, his or her ear while such vehicle
54 is in motion is presumed to be engaging in a call within the meaning of
55 this section. The presumption established by this subdivision is
56 rebuttable by evidence tending to show that the operator was not
57 engaged in a call. (3) The provisions of this section shall not be
58 construed as authorizing the seizure or forfeiture of a hand-held
59 mobile telephone or a mobile electronic device, unless otherwise
60 provided by law. (4) Subdivision (1) of this subsection does not apply
61 to: (A) The use of a hand-held mobile telephone for the sole purpose of
62 communicating with any of the following regarding an emergency
63 situation: An emergency response operator; a hospital, physician's
64 office or health clinic; an ambulance company; a fire department; or a
65 police department, or (B) any of the following persons while in the
66 performance of his or her official duties and within the scope of his or
67 her employment: A peace officer, as defined in subdivision (9) of
68 section 53a-3 of the general statutes, a firefighter or an operator of an
69 ambulance or authorized emergency vehicle, as defined in subsection
70 (a) of section 14-1 of the general statutes, [or the operator of a taxi cab,
71 tow truck or bus without passengers,] or (C) the use of a hands-free
72 mobile telephone.

73 Sec. 502. Section 2 of substitute house bill 6722 of the current session
74 is repealed and the following is substituted in lieu thereof (*Effective*
75 *October 1, 2005*):

76 (a) No person shall use a hand-held mobile telephone or other
77 electronic device, including those with hands-free accessories, or a
78 mobile electronic device while operating a moving school bus that is
79 carrying passengers, except that this [section] subsection does not
80 apply to (1) a school bus driver who places an emergency call to school
81 officials, or (2) the use of a hand-held mobile telephone as provided in
82 subparagraph (A) of subdivision (4) of subsection (b) of section 1 of
83 [this act] substitute house bill 6722 of the current session, as amended
84 by this act.

85 (b) No person [who holds a learner's permit or any holder of a
86 motor vehicle license subject to the requirements of subsection (d) of
87 section 14-36 of the general statutes] under eighteen years of age shall
88 use any hand-held mobile telephone, including one with a hands-free
89 accessory, or a mobile electronic device while operating a moving
90 motor vehicle on a public highway except as provided in
91 subparagraph (A) of subdivision (4) of subsection (b) of section 1 of
92 [this act] substitute house bill 6722 of the current session, as amended
93 by this act."