



General Assembly

**Amendment**

January Session, 2005

LCO No. 7400

\*HB0695907400SDO\*

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. GAFFEY, 13<sup>th</sup> Dist.  
SEN. MCDONALD, 27<sup>th</sup> Dist.

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4 session is repealed and the following is substituted in lieu thereof  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 motor  
86 vehicle license subject to the requirements of subsection (d) of section  
87 14-36 of the general statutes shall use any hand-held mobile telephone,  
88 including one with a hands-free accessory, or a mobile electronic  
89 device while operating a moving motor vehicle on a public highway  
90 except as provided in subparagraph (A) of subdivision (4) of  
91 subsection (b) of section 1 of [this act] substitute house bill 6722 of the  
92 current session, as amended by this act."