



House of Representatives

File No. 881

General Assembly

January Session, 2009

(Reprint of File No. 377)

House Bill No. 6410
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 1, 2009

**AN ACT CONCERNING THE USE OF HAND-HELD MOBILE
TELEPHONES BY MEMBERS OF THE ARMED FORCES WHILE
OPERATING A MOTOR VEHICLE.**

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

1 Section 1. Subsection (b) of section 14-296aa of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) (1) Except as otherwise provided in this subsection and
5 subsections (c) and (d) of this section, no person shall operate a motor
6 vehicle upon a highway, as defined in subsection (a) of section 14-1,
7 while using a hand-held mobile telephone to engage in a call or while
8 using a mobile electronic device while such vehicle is in motion. (2) An
9 operator of a motor vehicle who holds a hand-held mobile telephone
10 to, or in the immediate proximity of, his or her ear while such vehicle
11 is in motion is presumed to be engaging in a call within the meaning of
12 this section. The presumption established by this subdivision is
13 rebuttable by evidence tending to show that the operator was not
14 engaged in a call. (3) The provisions of this subsection shall not be

15 construed as authorizing the seizure or forfeiture of a hand-held
 16 mobile telephone or a mobile electronic device, unless otherwise
 17 provided by law. (4) Subdivision (1) of this subsection does not apply
 18 to: (A) The use of a hand-held mobile telephone for the sole purpose of
 19 communicating with any of the following regarding an emergency
 20 situation: An emergency response operator; a hospital, physician's
 21 office or health clinic; an ambulance company; a fire department; or a
 22 police department, or (B) any of the following persons while in the
 23 performance of their official duties and within the scope of their
 24 employment: A peace officer, as defined in subdivision (9) of section
 25 53a-3, a firefighter or an operator of an ambulance or authorized
 26 emergency vehicle, as defined in subsection (a) of section 14-1, or a
 27 member of the armed forces of the United States, as defined in section
 28 27-103, while operating a military vehicle, or (C) the use of a hands-
 29 free mobile telephone.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	14-296aa(b)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Potential Revenue Loss	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

To the extent that fewer citations (\$100 per violation) are issued as a consequence of the bill, a minimal revenue loss would occur.

House Amendment "A" made a clarifying change that has no fiscal impact.

House Amendment "B" specified that such a violation would not apply to any person while operating a military vehicle. This change has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would remain constant into the out years since fine amounts are set by statute.

OLR Bill Analysis**HB 6410 (as amended by House "A" and "B")******AN ACT CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES BY MEMBERS OF THE ARMED FORCES WHILE OPERATING A MOTOR VEHICLE.*****SUMMARY:**

This bill adds U.S. armed forces members operating military vehicles to the list of people exempt, while performing their official job duties, from the ban on talking on a hand-held cellular telephone or using a mobile electronic device while driving on a highway. The other exempt people are peace officers, firefighters, and ambulance or authorized emergency vehicle drivers.

*House Amendment "A" adopts by reference the existing definition of armed forces in CGS § 27-103.

*House Amendment "B" limits the armed forces exemption to cases in which the member is operating a military vehicle.

EFFECTIVE DATE: Upon passage

BACKGROUND***Armed Forces***

By law, the "armed forces" means the U.S. Army, Navy, Marine Corps, Coast Guard, and Air Force and any reserve component of these branches, including the Connecticut National Guard performing duty under Title 32 of federal law (CGS § 27-103).

Cell Phone Use

A driver at least age 18 may use a hand-held cellular phone, regardless of the prohibition, solely to communicate about an

emergency with an emergency response operator, hospital, physician’s office or health clinic, ambulance company, or fire or police department. School bus drivers may use hand-held cell phones under the same circumstances and also to place emergency calls to school officials.

Authorized Emergency Vehicles

By law, an “authorized emergency vehicle” is a (1) fire department vehicle, (2) police vehicle, or (3) public service company or municipal department ambulance or emergency vehicle designated or authorized for use as an emergency vehicle by the motor vehicle commissioner (CGS § 14-1(a)).

Mobile Electronic Device

The law defines a “mobile electronic device” as any hand-held or portable electronic equipment capable of providing data communication between two or more people. It includes text messaging or paging devices, personal digital assistants, laptop computers, video game equipment, digital video disk, and equipment that takes or transmits digital photographs. It does not include audio equipment or equipment installed in the vehicle to provide (1) navigation, emergency, or other aid to the driver or (2) video entertainment to rear-seat passengers.

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Change of Reference
Yea 10 Nay 0 (02/26/2009)

Transportation Committee

Joint Favorable
Yea 30 Nay 5 (03/13/2009)