



General Assembly

February Session, 2010

**Governor's Bill No. 35**

LCO No. 377

\*00377 \_\_\_\_\_ \*

Referred to Committee on Transportation

Introduced by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

REP. CAFERO, 142<sup>nd</sup> Dist.

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

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

1 Section 1. Section 14-296aa of the 2010 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2010*):

4 (a) For purposes of this section, the following terms have the  
5 following meanings:

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

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

11 (3) "Hand-held mobile telephone" means a mobile telephone with

12 which a user engages in a call using at least one hand.

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

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

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

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

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

43 (b) (1) Except as otherwise provided in this subsection and  
44 subsections (c) and (d) of this section, no person shall operate a motor  
45 vehicle upon a highway, as defined in subsection (a) of section 14-1,  
46 while using a hand-held mobile telephone to engage in a call or while  
47 using a mobile electronic device while such vehicle is in motion. An  
48 operator of a motor vehicle who types, sends or reads a text message  
49 with a hand-held mobile telephone or mobile electronic device while  
50 such vehicle is in motion shall be in violation of this section. (2) An  
51 operator of a motor vehicle who holds a hand-held mobile telephone  
52 to, or in the immediate proximity of, his or her ear while such vehicle  
53 is in motion is presumed to be engaging in a call within the meaning of  
54 this section. The presumption established by this subdivision is  
55 rebuttable by evidence tending to show that the operator was not  
56 engaged in a call. (3) The provisions of this subsection shall not be  
57 construed as authorizing the seizure or forfeiture of a hand-held  
58 mobile telephone or a mobile electronic device, unless otherwise  
59 provided by law. (4) Subdivision (1) of this subsection does not apply  
60 to: (A) The use of a hand-held mobile telephone for the sole purpose of  
61 communicating with any of the following regarding an emergency  
62 situation: An emergency response operator; a hospital, physician's  
63 office or health clinic; an ambulance company; a fire department; or a  
64 police department, or (B) any of the following persons while in the  
65 performance of their official duties and within the scope of their  
66 employment: A peace officer, as defined in subdivision (9) of section  
67 53a-3, a firefighter or an operator of an ambulance or authorized  
68 emergency vehicle, as defined in subsection (a) of section 14-1, or a  
69 member of the armed forces of the United States, as defined in section  
70 27-103, while operating a military vehicle, or (C) the use of a hands-  
71 free mobile telephone.

72 (c) No person shall use a hand-held mobile telephone or other  
73 electronic device, including those with hands-free accessories, or a  
74 mobile electronic device while operating a moving school bus that is  
75 carrying passengers, except that this subsection does not apply to (1) a  
76 school bus driver who places an emergency call to school officials, or

77 (2) the use of a hand-held mobile telephone as provided in  
78 subparagraph (A) of subdivision (4) of subsection (b) of this section.

79 (d) No person under eighteen years of age shall use any hand-held  
80 mobile telephone, including one with a hands-free accessory, or a  
81 mobile electronic device while operating a moving motor vehicle on a  
82 public highway, except as provided in subparagraph (A) of  
83 subdivision (4) of subsection (b) of this section.

84 (e) Except as provided in subsections (b) to (d), inclusive, of this  
85 section, no person shall engage in any activity not related to the actual  
86 operation of a motor vehicle in a manner that interferes with the safe  
87 operation of such vehicle on any highway, as defined in subsection (a)  
88 of section 14-1.

89 (f) Any law enforcement officer who issues a summons for a  
90 violation of subsection (b), (c), (d) or (i) of this section shall record, on  
91 any summons form issued in connection with the matter, the specific  
92 nature of any distracted driving behavior observed by such officer that  
93 contributed to the issuance of such summons.

94 (g) Any person who violates subsection (b) of this section shall be  
95 fined not more than fifty dollars for any such violation occurring on or  
96 after October 1, 2010, to September 30, 2011, inclusive. On or after  
97 October 1, 2011, any such person shall be fined not more than one  
98 hundred dollars. [, except that the fine shall be suspended for a first  
99 time violator who provides proof of acquisition of a hands-free  
100 accessory subsequent to the violation but prior to the imposition of a  
101 fine.]

102 (h) Any person who violates subsection (c) or (d) of this section shall  
103 be fined not more than one hundred dollars.

104 (i) An operator of a motor vehicle who commits a moving violation,  
105 as defined in subsection (a) of section 14-111g, while engaged in any  
106 activity prohibited under subsection (e) of this section shall be fined

107 one hundred dollars in addition to any penalty or fine imposed for the  
108 moving violation.

109 (j) An operator of a motor vehicle who commits a moving violation,  
110 as defined in subsection (a) of section 14-111g, while engaged in any  
111 activity (1) that is prohibited under subsection (e) of this section, and  
112 (2) that results in an accident, shall be fined five hundred dollars in  
113 addition to any penalty or fine imposed for the moving violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	14-296aa

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*