



General Assembly

February Session, 2010

Raised Bill No. 427

LCO No. 2062

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Referred to Committee on Transportation

Introduced by:
(TRA)

**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:

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3 statutes is repealed and the following is substituted in lieu thereof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

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

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

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

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

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

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

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

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

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

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

44 (b) (1) Except as otherwise provided in this subsection and
45 subsections (c) and (d) of this section, no person shall operate a motor
46 vehicle upon a highway, as defined in subsection (a) of section 14-1,
47 while using a hand-held mobile telephone to engage in a call or while
48 using a mobile electronic device while such vehicle is in motion. An
49 operator of a motor vehicle who types, sends or reads a text message
50 with a hand-held mobile telephone or mobile electronic device while
51 such vehicle is in motion shall be in violation of this section. (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 subsection 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 their official duties and within the scope of their
67 employment: A peace officer, as defined in subdivision (9) of section
68 53a-3, a firefighter or an operator of an ambulance or authorized
69 emergency vehicle, as defined in subsection (a) of section 14-1, or a
70 member of the armed forces of the United States, as defined in section
71 27-103, while operating a military vehicle, or (C) the use of a hands-
72 free mobile telephone.

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

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

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

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

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

95 (g) Any person who violates subsection (b) of this section shall be
96 fined [not more than] one hundred dollars [, except that the fine shall
97 be suspended for a first time violator who provides proof of
98 acquisition of a hands-free accessory subsequent to the violation but
99 prior to the imposition of a fine] for a first violation, one hundred fifty
100 dollars for a second violation and two hundred dollars for a third or
101 subsequent violation.

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.

114 (k) The state shall remit to a municipality twenty-five per cent of the
115 amount received with respect to each summons issued by such
116 municipality for a violation of this section.

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

Statement of Purpose:

To increase the penalty for cell phone use while operating a motor vehicle and to provide municipalities with twenty-five per cent of the amount received with respect to each summons issued by such municipality for a violation of this section.

[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.]