



General Assembly

Substitute Bill No. 427

February Session, 2010

* _____SB00427TRA___031610_____*

**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2 statutes is repealed and the following is substituted in lieu thereof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] one hundred dollars [, except that the fine shall
96 be suspended for a first time violator who provides proof of
97 acquisition of a hands-free accessory subsequent to the violation but
98 prior to the imposition of a fine] for a first violation, one hundred fifty
99 dollars for a second violation and two hundred dollars for a third or
100 subsequent violation.

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

103 (i) An operator of a motor vehicle who commits a moving violation,
104 as defined in subsection (a) of section 14-111g, while engaged in any
105 activity prohibited under subsection (e) of this section shall be fined
106 one hundred dollars in addition to any penalty or fine imposed for the
107 moving violation.

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

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

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2010</i>	14-296aa
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Statement of Legislative Commissioners:

The unamended provisions of subsections (b) and (e) contain references to "subsection (a)" of section 14-1. These references were bracketed because section 14-1 does not have a "subsection (a)".

TRA *Joint Favorable Subst.-LCO*