



General Assembly

January Session, 2011

Raised Bill No. 6366

LCO No. 3351

03351_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE PENALTY FOR USING A CELLULAR TELEPHONE WHILE OPERATING A MOTOR VEHICLE.

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

1 Section 1. Section 14-296aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2011*):

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

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

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

10 (3) "Hand-held mobile telephone" means a mobile telephone with
11 which a user engages in a call using at least one hand.

12 (4) "Hands-free accessory" means an attachment, add-on, built-in
13 feature, or addition to a mobile telephone, whether or not permanently

14 installed in a motor vehicle, that, when used, allows the vehicle
15 operator to maintain both hands on the steering wheel.

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

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

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

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

42 (b) (1) Except as otherwise provided in this subsection and
43 subsections (c) and (d) of this section, no person shall operate a motor
44 vehicle upon a highway, as defined in section 14-1, while using a

45 hand-held mobile telephone to engage in a call or while using a mobile
46 electronic device while such vehicle is in motion. An operator of a
47 motor vehicle who types, sends or reads a text message with a hand-
48 held mobile telephone or mobile electronic device while such vehicle is
49 in motion shall be in violation of this section. (2) An operator of a
50 motor vehicle who holds a hand-held mobile telephone to, or in the
51 immediate proximity of, his or her ear while such vehicle is in motion
52 is presumed to be engaging in a call within the meaning of this section.
53 The presumption established by this subdivision is rebuttable by
54 evidence tending to show that the operator was not engaged in a call.
55 (3) The provisions of this subsection shall not be construed as
56 authorizing the seizure or forfeiture of a hand-held mobile telephone
57 or a mobile electronic device, unless otherwise provided by law. (4)
58 Subdivision (1) of this subsection does not apply to: (A) The use of a
59 hand-held mobile telephone for the sole purpose of communicating
60 with any of the following regarding an emergency situation: An
61 emergency response operator; a hospital, physician's office or health
62 clinic; an ambulance company; a fire department; or a police
63 department, or (B) any of the following persons while in the
64 performance of their official duties and within the scope of their
65 employment: A peace officer, as defined in subdivision (9) of section
66 53a-3, a firefighter or an operator of an ambulance or authorized
67 emergency vehicle, as defined in section 14-1, or a member of the
68 armed forces of the United States, as defined in section 27-103, while
69 operating a military vehicle, or (C) the use of a hands-free mobile
70 telephone.

71 (c) No person shall use a hand-held mobile telephone or other
72 electronic device, including those with hands-free accessories, or a
73 mobile electronic device while operating a moving school bus that is
74 carrying passengers, except that this subsection does not apply to (1) a
75 school bus driver who places an emergency call to school officials, or
76 (2) the use of a hand-held mobile telephone as provided in
77 subparagraph (A) of subdivision (4) of subsection (b) of this section.

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

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

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

92 [(g) Any person who violates subsection (b) of this section shall be
93 fined one hundred dollars for a first violation, one hundred fifty
94 dollars for a second violation and two hundred dollars for a third or
95 subsequent violation.

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

98 (g) Any law enforcement officer who issues a summons to a person
99 for a second or subsequent violation of subsection (b), (c) or (d) of this
100 section shall, acting on behalf of the Commissioner of Motor Vehicles,
101 immediately suspend and take possession of the motor vehicle
102 operator's license of such person or, if such person is a nonresident,
103 suspend the nonresident operating privilege of such person, for a
104 twenty-four-hour period.

105 (h) Any person who violates subsection (b), (c) or (d) of this section
106 shall, for a first violation, be fined one hundred dollars, and, for a
107 second or subsequent violation, be fined not more than five hundred

108 dollars or imprisoned not more than three months, or both.

109 (i) 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 prohibited under subsection (e) of this section shall be fined
112 one hundred dollars in addition to any penalty or fine imposed for the
113 moving violation.

114 (j) 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. Each clerk of the Superior
117 Court or the Chief Court Administrator, or any other official of the
118 Superior Court designated by the Chief Court Administrator, shall, on
119 or before the thirtieth day of January, April, July and October in each
120 year, certify to the Comptroller the amount due for the previous
121 quarter under this subsection to each municipality served by the office
122 of the clerk or official.

123 Sec. 2. Subsection (b) of section 51-164n of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective*
125 *October 1, 2011*):

126 (b) Notwithstanding any provision of the general statutes, any
127 person who is alleged to have committed (1) a violation under the
128 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
129 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
130 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
131 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
132 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
133 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
134 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
135 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
136 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
137 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
138 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
139 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b

140 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
141 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
142 14-153 or 14-163b, a first violation as specified in subsection (f) of
143 section 14-164i, section 14-219 as specified in subsection (e) of said
144 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
145 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
146 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
147 section 14-283, section 14-291 [,] or 14-293b, a first violation of section
148 14-296aa, as amended by this act, section 14-319, 14-320, 14-321, 14-
149 325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-
150 386a, section 15-33, subsection (a) of section 15-115, section 16-256, 16-
151 256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section
152 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131,
153 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30,
154 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-
155 91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-
156 287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-
157 340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-
158 324e, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43,
159 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection
160 (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77,
161 subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 22-13,
162 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-
163 39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-
164 99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or
165 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-
166 391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section
167 22a-250, subsection (e) of section 22a-256h, section 22a-381d, 22a-449,
168 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-
169 65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54,
170 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131,
171 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294,
172 28-13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e)
173 or (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-

174 243, 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-
 175 381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16,
 176 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44,
 177 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c)
 178 of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
 179 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,
 180 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
 181 section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk,
 182 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252,
 183 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344
 184 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a
 185 violation of any regulation adopted in accordance with the provisions
 186 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
 187 regulation or bylaw of any town, city or borough, except violations of
 188 building codes and the health code, for which the penalty exceeds
 189 ninety dollars but does not exceed two hundred fifty dollars, unless
 190 such town, city or borough has established a payment and hearing
 191 procedure for such violation pursuant to section 7-152c, shall follow
 192 the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	14-296aa
Sec. 2	<i>October 1, 2011</i>	51-164n(b)

Statement of Purpose:

To strengthen the prohibition on using a hand-held mobile telephone or mobile electronic device while driving by increasing the penalties for a second or subsequent violation.

[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.]