



General Assembly

**Substitute Bill No. 6366**

January Session, 2011

\* \_\_\_\_\_HB06366JUD\_\_\_041511\_\_\_\_\_\*

**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 Section 14-296aa of the general statutes is repealed and  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 may, 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 (1) for a first violation, be fined one hundred dollars, and (2) for a  
107 second or subsequent violation, be fined not more than five hundred  
108 dollars.

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, subdivision (1) of

148 subsection (h) of section 14-296aa, as amended by this act, section 14-  
149 319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1),  
150 (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-  
151 115, section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of  
152 section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-  
153 642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-  
154 736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section  
155 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222,  
156 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336,  
157 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231,  
158 20-257, 20-265 or 20-324e, section 20-341l, 20-597, 20-608, 20-610, 21-30,  
159 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or  
160 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63  
161 or 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-  
162 159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39,  
163 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90,  
164 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a,  
165 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359,  
166 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a)  
167 of section 22a-250, subsection (e) of section 22a-256h, section 22a-381d,  
168 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of  
169 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-  
170 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,  
171 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230,  
172 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b),  
173 (d), (e) or (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-  
174 210, 29-243, 29-277, subsection (c) of section 29-291c, section 29-316, 29-  
175 318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,  
176 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,  
177 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a)  
178 or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b  
179 or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-  
180 230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-  
181 54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-  
182 38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a,

183 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331,  
184 53-344 or 53-450, or (2) a violation under the provisions of chapter 268,  
185 or (3) a violation of any regulation adopted in accordance with the  
186 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any  
187 ordinance, regulation or bylaw of any town, city or borough, except  
188 violations of building codes and the health code, for which the penalty  
189 exceeds ninety dollars but does not exceed two hundred fifty dollars,  
190 unless such town, city or borough has established a payment and  
191 hearing procedure for such violation pursuant to section 7-152c, shall  
192 follow 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)

**JUD**      *Joint Favorable Subst.*