



General Assembly

January Session, 2011

Raised Bill No. 6570

LCO No. 4365

04365_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

AN ACT CONCERNING THE PENALTY FOR TEXTING WHILE OPERATING A COMMERCIAL MOTOR VEHICLE.

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

1 Section 1. Subdivision (80) of section 14-1 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (80) "Serious traffic violation" means a conviction of any of the
5 following offenses: (A) Excessive speeding, involving a single offense
6 in which the speed is fifteen miles per hour or more above the posted
7 speed limit, in violation of section 14-218a or 14-219; (B) reckless
8 driving in violation of section 14-222; (C) following too closely in
9 violation of section 14-240 or 14-240a; (D) improper or erratic lane
10 changes, in violation of section 14-236; (E) typing, sending or reading
11 text with or from a mobile telephone or mobile electronic device in
12 violation of subsection (e) of section 14-296aa, as amended by this act,
13 while operating a commercial motor vehicle; (F) driving a commercial
14 motor vehicle without a valid commercial driver's license in violation
15 of section 14-36a or 14-44a; [(F)] (G) failure to carry a commercial
16 driver's license in violation of section 14-44a; [(G)] (H) failure to have

17 the proper class of license or endorsement, or violation of a license
18 restriction in violation of section 14-44a; or [(H) arising in connection
19 with an accident related to the operation of a commercial motor
20 vehicle and which resulted in a fatality;] (I) a violation of any provision
21 of chapter 248, while operating a commercial motor vehicle, that
22 results in the death of another person.

23 Sec. 2. Subdivision (79) of section 14-1 of the general statutes, as
24 amended by section 37 of public act 10-110, is repealed and the
25 following is substituted in lieu thereof (*Effective July 1, 2011*):

26 (79) "Serious traffic violation" means a conviction of any of the
27 following offenses: (A) Excessive speeding, involving a single offense
28 in which the speed is fifteen miles per hour or more above the posted
29 speed limit, in violation of section 14-218a or 14-219; (B) reckless
30 driving in violation of section 14-222; (C) following too closely in
31 violation of section 14-240 or 14-240a; (D) improper or erratic lane
32 changes, in violation of section 14-236; (E) typing, sending or reading
33 text with or from a mobile telephone or mobile electronic device in
34 violation of subsection (e) of section 14-296aa, as amended by this act,
35 while operating a commercial motor vehicle; (F) driving a commercial
36 motor vehicle without a valid commercial driver's license in violation
37 of section 14-36a or 14-44a; [(F)] (G) failure to carry a commercial
38 driver's license in violation of section 14-44a; [(G)] (H) failure to have
39 the proper class of license or endorsement, or violation of a license
40 restriction in violation of section 14-44a; or [(H) arising in connection
41 with an accident related to the operation of a commercial motor
42 vehicle and which resulted in a fatality;] (I) a violation of any provision
43 of chapter 248, while operating a commercial motor vehicle, that
44 results in the death of another person.

45 Sec. 3. Section 14-296aa of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective from passage*):

47 (a) For purposes of this section, the following terms have the
48 following meanings:

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

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

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

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

60 (5) "Hands-free mobile telephone" means a hand-held mobile
61 telephone that has an internal feature or function, or that is equipped
62 with an attachment or addition, whether or not permanently part of
63 such hand-held mobile telephone, by which a user engages in a call
64 without the use of either hand, whether or not the use of either hand is
65 necessary to activate, deactivate or initiate a function of such
66 telephone.

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

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

75 (8) "Mobile electronic device" means any hand-held or other
76 portable electronic equipment capable of providing data
77 communication between two or more persons, including a text
78 messaging device, a paging device, a personal digital assistant, a

79 laptop computer, equipment that is capable of playing a video game or
80 a digital video disk, or equipment on which digital photographs are
81 taken or transmitted, or any combination thereof, but does not include
82 any audio equipment or any equipment installed in a motor vehicle for
83 the purpose of providing navigation, emergency assistance to the
84 operator of such motor vehicle or video entertainment to the
85 passengers in the rear seats of such motor vehicle.

86 (b) (1) Except as otherwise provided in this subsection and
87 subsections (c) and (d) of this section, no person shall operate a motor
88 vehicle upon a highway, as defined in section 14-1, while using a
89 hand-held mobile telephone to engage in a call or while using a mobile
90 electronic device while such vehicle is in motion. An operator of a
91 motor vehicle who types, sends or reads a text message with a hand-
92 held mobile telephone or mobile electronic device while such vehicle is
93 in motion shall be in violation of this section. (2) An operator of a
94 motor vehicle who holds a hand-held mobile telephone to, or in the
95 immediate proximity of, his or her ear while such vehicle is in motion
96 is presumed to be engaging in a call within the meaning of this section.
97 The presumption established by this subdivision is rebuttable by
98 evidence tending to show that the operator was not engaged in a call.
99 (3) The provisions of this subsection shall not be construed as
100 authorizing the seizure or forfeiture of a hand-held mobile telephone
101 or a mobile electronic device, unless otherwise provided by law. (4)
102 Subdivision (1) of this subsection [does] shall not apply to: (A) The use
103 of a hand-held mobile telephone for the sole purpose of
104 communicating with any of the following regarding an emergency
105 situation: An emergency response operator; a hospital, physician's
106 office or health clinic; an ambulance company; a fire department; or a
107 police department, or (B) any of the following persons while in the
108 performance of their official duties and within the scope of their
109 employment: A peace officer, as defined in subdivision (9) of section
110 53a-3, a firefighter or an operator of an ambulance or authorized
111 emergency vehicle, as defined in section 14-1, or a member of the
112 armed forces of the United States, as defined in section 27-103, while

113 operating a military vehicle, or (C) the use of a hands-free mobile
114 telephone.

115 (c) No person shall use a hand-held mobile telephone or other
116 electronic device, including those with hands-free accessories, or a
117 mobile electronic device while operating a moving school bus that is
118 carrying passengers, except that this subsection [does] shall not apply
119 to (1) a school bus driver who places an emergency call to school
120 officials, or (2) the use of a hand-held mobile telephone as provided in
121 subparagraph (A) of subdivision (4) of subsection (b) of this section.

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

127 (e) No person shall type, read or send text or a text message with or
128 from a mobile telephone or mobile electronic device while operating a
129 commercial motor vehicle, as defined in section 14-1, except for the
130 sole purpose of communicating with any of the following regarding an
131 emergency situation: (1) An emergency response operator; (2) a
132 hospital, physician's office or health clinic; (3) an ambulance company;
133 (4) a fire department; or (5) a police department.

134 [(e)] (f) Except as provided in subsections (b) to [(d)] (e), inclusive,
135 of this section, no person shall engage in any activity not related to the
136 actual operation of a motor vehicle in a manner that interferes with the
137 safe operation of such vehicle on any highway, as defined in section
138 14-1.

139 [(f)] (g) Any law enforcement officer who issues a summons for a
140 violation of [subsection (b), (c), (d) or (i) of] this section shall record, on
141 any summons [form] issued [in connection with the matter] for such
142 violation, the specific nature of any distracted driving behavior
143 observed by such officer. [that contributed to the issuance of such

144 summons.]

145 [(g)] (h) Any person who violates [subsection (b) of] this section
 146 shall be fined one hundred dollars for a first violation, one hundred
 147 fifty dollars for a second violation and two hundred dollars for a third
 148 or subsequent violation.

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

151 (i) An operator of a motor vehicle who commits a moving violation,
 152 as defined in subsection (a) of section 14-111g, while engaged in any
 153 activity prohibited [under subsection (e) of] by this section shall be
 154 fined [one hundred dollars] in accordance with subsection (h) of this
 155 section, in addition to any penalty or fine imposed for the moving
 156 violation.

157 (j) The state shall remit to a municipality twenty-five per cent of the
 158 amount received with respect to each summons issued by such
 159 municipality for a violation of this section. Each clerk of the Superior
 160 Court or the Chief Court Administrator, or any other official of the
 161 Superior Court designated by the Chief Court Administrator, shall, on
 162 or before the thirtieth day of January, April, July and October in each
 163 year, certify to the Comptroller the amount due for the previous
 164 quarter under this subsection to each municipality served by the office
 165 of the clerk or official.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	14-1(80)
Sec. 2	<i>July 1, 2011</i>	14-1(79)
Sec. 3	<i>from passage</i>	14-296aa

Statement of Purpose:

To comply with federal law prohibiting texting while operating a commercial motor vehicle, provide a mechanism for the enforcement

of such laws, and to make technical changes. Requested by the Department of Motor Vehicles.

[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.]