



General Assembly

January Session, 2011

Raised Bill No. 961

LCO No. 3126

03126_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE ENFORCEMENT OF THE BAN ON USING
A CELLULAR TELEPHONE OR ELECTRONIC DEVICE WHILE
DRIVING.**

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 Section 14-296aa of the general statutes is repealed and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)]~~ (j) of this section shall record,
89 on any summons form issued in connection with the matter, the
90 specific nature of any distracted driving behavior observed by such
91 officer that contributed to the issuance of such summons.

92 (g) Whenever a law enforcement officer issues a summons for a
93 violation of subsection (b), (c) or (d) of this section, the officer shall
94 seize the hand-held mobile telephone or mobile electronic device being
95 used and cause such telephone or device to be impounded for a period
96 of forty-eight hours after such arrest.

97 ~~[(g)]~~ (h) Any person who violates subsection (b) of this section shall
98 be fined one hundred dollars 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)]~~ (i) Any person who violates subsection (c) or (d) of this section
102 shall be fined not more than one hundred dollars.

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

108 [(j)] (k) The state shall remit to a municipality twenty-five per cent of
109 the amount received with respect to each summons issued by such
110 municipality for a violation of this section. Each clerk of the Superior
111 Court or the Chief Court Administrator, or any other official of the
112 Superior Court designated by the Chief Court Administrator, shall, on
113 or before the thirtieth day of January, April, July and October in each
114 year, certify to the Comptroller the amount due for the previous
115 quarter under this subsection to each municipality served by the office
116 of the clerk or official.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	14-296aa

Statement of Purpose:

To achieve more compliance with the law prohibiting the use of a cellular telephone or electronic device while driving by authorizing the temporary impoundment of the telephone or device being used.

[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.]