



Senate

General Assembly

February Session, 2012

File No. 104

Senate Bill No. 61

Senate, March 26, 2012

The Committee on Public Safety and Security reported through SEN. HARTLEY of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT EXEMPTING AMATEUR RADIO OPERATORS USING HAND-HELD RADIOS FROM THE PROHIBITION ON USING HAND-HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES WHILE DRIVING.

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

1 Section 1. Subsection (b) of section 14-296aa of the 2012 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2012*):

4 (b) (1) Except as otherwise provided in this subsection and
5 subsections (c) and (d) of this section, no person shall operate a motor
6 vehicle upon a highway, as defined in section 14-1, while using a
7 hand-held mobile telephone to engage in a call or while using a mobile
8 electronic device while such vehicle is in motion. An operator of a
9 motor vehicle who types, sends or reads a text message with a hand-
10 held mobile telephone or mobile electronic device while such vehicle is
11 in motion shall be in violation of this section, except that if such
12 operator is driving a commercial motor vehicle, as defined in section

13 14-1, such operator shall be charged with a violation of subsection (e)
14 of this section.

15 (2) An operator of a motor vehicle who holds a hand-held mobile
16 telephone to, or in the immediate proximity of, his or her ear while
17 such vehicle is in motion is presumed to be engaging in a call within
18 the meaning of this section. The presumption established by this
19 subdivision is rebuttable by evidence tending to show that the
20 operator was not engaged in a call.

21 (3) The provisions of this subsection shall not be construed as
22 authorizing the seizure or forfeiture of a hand-held mobile telephone
23 or a mobile electronic device, unless otherwise provided by law.

24 (4) Subdivision (1) of this subsection shall not apply to: (A) The use
25 of a hand-held mobile telephone for the sole purpose of
26 communicating with any of the following regarding an emergency
27 situation: An emergency response operator; a hospital, physician's
28 office or health clinic; an ambulance company; a fire department; or a
29 police department, or (B) any of the following persons while in the
30 performance of their official duties and within the scope of their
31 employment: A peace officer, as defined in subdivision (9) of section
32 53a-3, a firefighter or an operator of an ambulance or authorized
33 emergency vehicle, as defined in section 14-1, or a member of the
34 armed forces of the United States, as defined in section 27-103, while
35 operating a military vehicle, or (C) the use of a hand-held radio by a
36 person with an amateur radio station license issued by the Federal
37 Communications Commission, or (D) the use of a hands-free mobile
38 telephone.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	14-296aa(b)

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	GF - Revenue Loss	Less than \$7,500	Less than \$10,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill would result in annual revenue loss of less than \$10,000 as a result of exempting amateur radio operators from the ban on using mobile devices while driving. Currently, the state collects approximately \$2.5 million in fines related to violations on the ban on using mobile devices while driving. However, it is assumed that the majority of these violations are from drivers using cell phones.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis**SB 61*****AN ACT EXEMPTING AMATEUR RADIO OPERATORS USING HAND-HELD RADIOS FROM THE PROHIBITION ON USING HAND-HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES WHILE DRIVING.*****SUMMARY:**

This bill allows an individual with a Federal Communications Commission amateur radio station license (commonly know as ham operator), under any circumstance, to use a hand-held radio while driving on a highway.

Current law bans the use of hand-held cell phones or mobile electronic devices while driving, except by the following under the circumstances specified: (1) peace officers, firefighters, and ambulance or authorized emergency vehicle drivers performing their official job duties and (2) armed forces members while operating a military vehicle. Also, a driver may use a hand-held cell phone solely to communicate about an emergency with an emergency response operator, hospital, physician's office or health clinic, ambulance company, or fire or police department. And school bus drivers may use the phones under the same circumstances and also to place emergency calls to school officials.

EFFECTIVE DATE: October 1, 2012

BACKGROUND***Mobile Electronic Device***

The law defines a "mobile electronic device" as any hand-held or portable electronic equipment capable of providing data communication between two or more people. It includes text messaging or paging devices, personal digital assistants, laptop

computers, video game equipment, digital video disk players, and equipment that takes or transmits digital photographs. It does not include audio equipment or equipment installed in the vehicle to provide (1) navigation, emergency, or other aid to the driver or (2) video entertainment to rear-seat passengers.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/13/2012)