



General Assembly

February Session, 2012

Raised Bill No. 61

LCO No. 374

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Referred to Committee on Public Safety and Security

Introduced by:

(PS)

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2 to the general statutes is repealed and the following is substituted in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)

Statement of Purpose:

To exempt HAM radio operators using hand-held radios from the prohibition on using mobile telephones or mobile electronic devices while operating a motor vehicle.

[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.]