



General Assembly

February Session, 2012

**Raised Bill No. 61**

LCO No. 374

\*00374\_\_\_\_\_PS\_\*

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2 to the general statutes is repealed and the following is substituted in  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.]*