

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0600.01 Jerry Barry x4341

HOUSE BILL 14-1225

HOUSE SPONSORSHIP

Melton, Fields, Fischer, Ginal, Hullinghorst, Tyler

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING USE OF WIRELESS TELEPHONE WHILE DRIVING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law prohibits an adult from using a wireless telephone for text messaging or other similar forms of data entry or transmission while driving. The bill adds using an application to this prohibition.

The bill prohibits an adult from using a wireless telephone for a phone call while driving unless the person uses a hands-free device. A person cannot be charged with the offense unless either:

! The person is stopped for another traffic violation, the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

officer witnesses the violation, and it occurs in a school or construction zone; or
! The violation was the cause of a traffic accident.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-239, **amend** (3),
3 (4) introductory portion, and (5); and **add** (1) (a.5), (3.5), and (6) (c) as
4 follows:

5 **42-4-239. Misuse of a wireless telephone - definitions - penalty**
6 **- preemption.** (1) As used in this section, unless the context otherwise
7 requires:

8 (a.5) "HANDS-FREE DEVICE" MEANS A WIRELESS TELEPHONE OR A
9 MOTOR VEHICLE EQUIPPED WITH A DEVICE THAT ALLOWS A PERSON TO USE
10 A WIRELESS TELEPHONE WITHOUT THE USE OF THE PERSON'S HANDS.

11 (3) A person eighteen years of age or older shall not use a wireless
12 telephone for the purpose of engaging in text messaging, USING AN
13 APPLICATION, or other similar forms of manual data entry or transmission
14 while operating a motor vehicle.

15 (3.5) A PERSON EIGHTEEN YEARS OF AGE OR OLDER WHILE
16 OPERATING A MOTOR VEHICLE SHALL NOT USE A WIRELESS TELEPHONE FOR
17 THE PURPOSE OF MAKING OR RECEIVING A PHONE CALL, UNLESS THE
18 PERSON USES A HANDS-FREE DEVICE.

19 (4) Subsection (2), ~~or~~ (3), OR (3.5) of this section shall not apply
20 to a person who is using the wireless telephone:

21 (5) (a) A person who operates a motor vehicle in violation of
22 subsection (2), ~~or~~ (3), OR (3.5) of this section commits a class A traffic
23 infraction as defined in section 42-4-1701 (3), and the court or the
24 department of revenue shall assess a fine of fifty dollars.

1 (b) A second or subsequent violation of subsection (2), ~~or~~ (3), OR
2 (3.5) of this section shall be a class A traffic infraction as defined in
3 section 42-4-1701 (3), and the court or the department of revenue shall
4 assess a fine of one hundred dollars.

5 (6) (c) AN OPERATOR OF A MOTOR VEHICLE SHALL NOT BE CITED
6 FOR A VIOLATION OF SUBSECTION (3.5) OF THIS SECTION UNLESS EITHER:

7 (I) THE DRIVER WAS STOPPED BY A LAW ENFORCEMENT OFFICER
8 FOR AN ALLEGED VIOLATION OF ARTICLES 1 TO 4 OF THIS TITLE OTHER
9 THAN A VIOLATION OF THIS SECTION, THE LAW ENFORCEMENT OFFICER
10 SAW THE OPERATOR USE A WIRELESS TELEPHONE, AS DEFINED IN
11 PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, AND THE VIOLATION
12 OCCURRED IN A SCHOOL ZONE AS DEFINED IN SECTION 42-4-615 OR A
13 MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE THAT IS DESIGNATED BY
14 THE DEPARTMENT OF TRANSPORTATION OR OTHER PUBLIC ENTITY
15 PURSUANT TO SECTION 42-4-614; OR

16 (II) THE VIOLATION WAS A CAUSE OF A TRAFFIC ACCIDENT.

17 **SECTION 2. Effective date - applicability.** This act takes effect
18 July 1, 2014, and applies to offenses committed on or after said date.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.