2021 -- H 5976

========
LC002184
========

S T A T E   O F   R H O D E   I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

_____

A N   A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES

Introduced By: Representative Thomas E. Noret

Date Introduced: February 26, 2021

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1   SECTION 1. Section 31-22-30 of the General Laws in Chapter 31-22 entitled

2   "Miscellaneous Rules" is hereby amended to read as follows:

3   **31-22-30. Text messaging while operating a motor vehicle. Use of wireless handset**

4   **while operating a motor vehicle.**

5   (a) For purposes of this section, the following terms shall have the following meanings:

6   (1) "Driving" means operating a motor vehicle on a public road, including operation while

7   temporarily stationary because of traffic, a traffic light or stop sign, or otherwise, but does not

8   include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active

9   roadway and has stopped in a location where it can safely remain stationary.

10   (2) "Hands free" means the manner in which a wireless handset is operated for the purpose

11   of composing, reading, or sending text messages by using an internal feature or function, or through

12   an attachment or addition, including, but not limited to, an earpiece, headset, remote microphone,

13   or short-range wireless connection, thereby allowing the user to operate said device without the use

14   of hands, except to activate, deactivate, or initiate a feature or function thereof holding the wireless

15   handset in his or her hand.

16   (3) "Inoperability" means a motor vehicle that is incapable of being operated or being

17   operated in a safe and prudent manner due to mechanical failure, including, but not limited to,

18   engine overheating or tire failure.

19   (4) "Motor vehicle" means any vehicle that is self-propelled by a motor, including, but not

1 limited to: automobiles, trucks, vans, construction vehicles, etc.

2 (5) "Person" means any natural person, corporation, unincorporated association, firm,

3 partnership, joint venture, joint stock association, or other entity or business organization of any

4 kind.

5 (6) "Personal wireless communication device" means a hand-held device through which

6 personal wireless services (commercial mobile services, unlicensed wireless services, and common

7 carrier wireless exchange access services) are transmitted, but does not include a global navigation

8 satellite receiver used for positioning, emergency notification, or navigation purposes.

9 (7) "Stopped" means not in motion.

10 (8) ~~"Text message," also referred to as short messaging service (SMS), means the process~~

11 ~~by which users send, read, or receive messages on a wireless handset, including text messages,~~

12 ~~instant messages, electronic messages, or e-mails, in order to communicate with any person or~~

13 ~~device.~~

14 (9) "Use" means to operate a wireless handset or a personal wireless communication device

15 in a manner not consistent with hands-free operation.

16 (10) "Wireless handset" means a portable electronic or computing device, including

17 ~~cellular~~ mobile telephones and personal digital assistants (PDAs), used for communication and

18 capable of transmitting data ~~in the form of a text message~~.

19 (b) No person shall use hold a wireless handset or personal wireless communication device

20 to compose, read, or send text messages while driving a motor vehicle on any public street or public

21 highway within the state of Rhode Island. except for:

22 ~~(c) Notwithstanding the provisions of subsection (b), this section shall not be construed to~~

23 ~~prohibit the use of any wireless handset or personal wireless communication device by:~~

24 (1) Any law enforcement, public safety or police officers, emergency services officials,

25 first aid, emergency medical technicians and personnel, and fire safety officials in the performance

26 of duties arising out of, and in the course of, their employment as such;

27 (2) A person using a wireless handset to contact an individual listed in subsection ~~(c)~~(b)(1);

28 (3) A person using a wireless handset or personal wireless communication device inside a

29 motor vehicle while such motor vehicle is parked, standing, or stopped and is removed from the

30 flow of traffic, in accordance with applicable laws, rules, or ordinances, or is stopped due to the

31 inoperability of such motor vehicle; or

32 (4) A person activating, viewing, or deactivating a global positioning or navigation device

33 or a global positioning or navigation application while the handset is mounted or otherwise affixed

34 to the vehicle to allow for hands-free operation.

1   (d)(c) Nothing in this section shall be construed to prohibit a person driving a motor vehicle

2   from utilizing a hands-free wireless handset.

3   The nonemergency use by pilot/escort vehicle drivers of portable electronic devices is

4   prohibited.

5   (e)(d) Any person who violates any of the provisions of this section shall, upon conviction,

6   be subject to a fine of one hundred dollars ($100), or a license suspension for up to thirty (30) days,

7   or both; for a second conviction a person shall be subject to a fine of one hundred fifty dollars

8   ($150), or a license suspension for up to three (3) months, or both; and for a third or subsequent

9   conviction a person shall be subject to a fine of two hundred fifty dollars ($250), or a license

10   suspension for up to six (6) months, or both. All violations arising out of this section shall be heard

11   in the Rhode Island traffic tribunal.

12   SECTION 2. This act shall take effect upon passage.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES

***

1   This act would provide that the permissive use of a wireless communication device for the

2   purpose of navigation of a motor vehicle shall only be applicable in cases where the device is

3   mounted or otherwise affixed to the vehicle and not held in the motorist's hand.

4   This act would take effect upon passage.

========
LC002184
========