

2014 -- H 7683 SUBSTITUTE A

LC004451/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MISCELLANEOUS RULES

Introduced By: Representatives Johnston, and Hull

Date Introduced: February 27, 2014

Referred To: House Judiciary

(Transportation)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-22-11.8, 31-22-11.9 and 31-22-30 of the General Laws in  
2 Chapter 31-22 entitled "Miscellaneous Rules" are hereby amended to read as follows:

3 ~~31-22-11.8. Unauthorized use of cell phones on school bus~~ **Unauthorized use of**  
4 **personal wireless communication devices on a school bus. --** (a) The use of a ~~cell phone~~  
5 personal wireless communications device by a school bus driver shall be prohibited, while the bus  
6 is transporting children except in the case of an emergency.

7 (b) Any person who violates any of the provisions of subsection (a) of this section shall,  
8 upon conviction, be punished by a fine of fifty dollars (\$50.00).

9 (c) For a subsequent conviction under this section a person shall be punished by a fine  
10 of fifty dollars (\$50.00).

11 (d) If any civil action is brought as a result of a violation of this section, the violation  
12 shall be evidence on negligence.

13 ~~31-22-11.9. Use of cell phones by minors while operating motor vehicles prohibited~~  
14 **Use of personal wireless communications devices by minors while operating motor vehicles**  
15 **is prohibited. --** (a) The use of a ~~cell phone~~ personal wireless communication device by a minor  
16 while said minor is operating a motor vehicle shall be prohibited, except in the case of an  
17 emergency. For purposes of this section, the term "minor" shall include any person less than  
18 eighteen (18) years of age.

19 (b) Any person who violates any of the provisions of subsection (a) of this section shall,

1 upon conviction, be punished by a fine of fifty dollars (\$50.00).

2 (c) For a second conviction under this section a person shall be punished by a fine of  
3 fifty dollars (\$50.00).

4 (d) For a third or subsequent conviction a person shall be punished by a fine of on  
5 hundred dollars (\$100) and/or loss of license until the user reaches his/her eighteenth (18<sup>th</sup>)  
6 birthday.

7 **31-22-30. Text messaging while operating a motor vehicle.** -- (a) For purposes of  
8 this section, the following terms shall have the following meanings:

9 (1) "Driving" means operating a motor vehicle on a public road, including operation  
10 while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise, but does  
11 not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an  
12 active roadway and has stopped in a location where it can safely remain stationary.

13 ~~(1)~~(2) "Hands Free" means the manner in which a wireless handset is operated for the  
14 purpose of composing, reading or sending text messages, by using an internal feature or function,  
15 or through an attachment or addition, including but not limited to, an earpiece, headset, remote  
16 microphone or short range wireless connection, thereby allowing the user to operate said device  
17 without the use of hands, except to activate, deactivate or initiate a feature or function thereof.

18 ~~(2)~~(3) "Inoperability" means a motor vehicle that is incapable of being operated or being  
19 operated in a safe and prudent manner due to mechanical failure, including but not limited to,  
20 engine overheating or tire failure.

21 ~~(3)~~(4) "Motor Vehicle" means any vehicle that is self-propelled by a motor, including  
22 but not limited to, automobiles, trucks, vans, construction vehicles, etc.

23 ~~(4)~~(5) "Person" means any natural person, corporation, unincorporated association, firm,  
24 partnership, joint venture, joint stock association or other entity or business organization of any  
25 kind.

26 (6) "Personal wireless communication device" means a hand-held device through which  
27 personal wireless services (commercial mobile services, unlicensed wireless services, and  
28 common carrier wireless exchange access services) are transmitted, but does not include a global  
29 navigation satellite receiver used for positioning, emergency notification, or navigation purposes.

30 ~~(5)~~(7) "Stopped" means not in motion.

31 ~~(7)~~(8) "Text Message", also referred to as short messaging service (SMS) means the  
32 process by which users send, read, or receive messages on a wireless handset, including but not  
33 limited to, text messages, instant messages, electronic messages or e-mails, in order to  
34 communicate with any person or device.

1           ~~(8)~~(9) "Use" means to hold a wireless handset or a personal wireless communication  
2 device in one's hands.

3           ~~(9)~~(10) "Wireless Handset" means a portable electronic or computing device, including  
4 cellular telephones and digital personal assistants (PDAs), capable of transmitting data in the  
5 form of a text message.

6           (b) No person shall use a wireless handset or personal wireless communication device  
7 to compose, read or send text messages while ~~operating~~ driving a motor vehicle on any public  
8 street or public highway within the state of Rhode Island.

9           (c) Notwithstanding the provisions of subsection (b), this section shall not be construed  
10 to prohibit the use of any wireless handset or personal wireless communication device by:

11           (1) Any law enforcement, public safety or police officers, emergency services officials,  
12 first aid, emergency medical technicians and personnel, and fire safety officials in the  
13 performance of duties arising out of and in the course of their employment as such;

14           (2) A person using a wireless handset or wireless device to contact an individual listed  
15 in subsection (c) (1); or

16           (3) A person using a wireless handset or personal wireless communication device inside  
17 a motor vehicle while such motor vehicle is parked, standing or stopped and is removed from the  
18 flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the  
19 inoperability of such motor vehicle.

20           (d) Nothing in this section shall be construed to prohibit a person ~~operating~~ driving a  
21 motor vehicle from utilizing a hands-free wireless handset.

22           (e) Any person who violates any of the provisions of this section shall, upon conviction,  
23 be subject to a fine of eighty-five dollars (\$85.00); for a second conviction shall be subject to a  
24 fine of one hundred dollars (\$100); and for a third or subsequent conviction a person shall be  
25 subject to a fine of one hundred twenty-five dollars (\$125). All violations arising out of this  
26 section shall be heard in the Rhode Island Traffic Tribunal.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would substitute the words "personal wireless communication devices" in place  
2 of the words "cell phones", and would prohibit the use of a personal wireless communication  
3 device while driving a motor vehicle or school bus. This act would align state law with federal  
4 guidelines.

5           This act would take effect upon passage.

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