

2011 -- S 0346

LC01183

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE TELEPHONE USE

Introduced By: Senators Lombardo, Nesselbush, Lynch, Shibley, and Crowley

Date Introduced: February 16, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-22 of the General Laws entitled "Miscellaneous Rules" is  
2 hereby amended by adding thereto the following section:

3 **31-22-31. Mobile telephone usage by motor vehicle operators.** – (a) For purposes of  
4 this section, the following terms shall have the following meanings:

5 (1) "Mobile telephone" means a cellular, analog, wireless or digital telephone capable of  
6 sending or receiving telephone communications without an access line for service.

7 (2) "Using" or "use" means holding a hand-held mobile telephone to, or in the immediate  
8 proximity of, the user's ear.

9 (3) "Hand-held mobile telephone" means a mobile telephone with which a user engages  
10 in a call using at least one hand.

11 (4) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a  
12 mobile telephone, whether or not permanently installed in a motor vehicle, that, when used,  
13 allows the vehicle operator to maintain both hands on the steering wheel.

14 (5) "Hands-free mobile telephone" means a hand-held mobile telephone that has an  
15 internal feature or function, or that is equipped with an attachment or addition, whether or not  
16 permanently part of such hand-held mobile telephone, by which a user engages in a call without  
17 the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or  
18 initiate a function of such telephone.

19 (6) "Engage in a call" means talking into or listening on a hand-held mobile telephone,

1 but does not include holding a hand-held mobile telephone to activate, deactivate or initiate a  
2 function of such telephone.

3 (7) "Immediate proximity" means the distance that permits the operator of a hand-held  
4 mobile telephone to hear telecommunications transmitted over such hand-held mobile telephone,  
5 but does not require physical contact with such operator's ear.

6 (b)(1) Except as otherwise provided in this section, no person under the age of twenty-  
7 one (21) shall operate a motor vehicle upon a highway, road or street while using a hand-held  
8 mobile telephone to engage in a call and/or send, read, or write a text message while such vehicle  
9 is in motion.

10 (2) An operator of a motor vehicle under the age of twenty-one (21) who holds a hand-  
11 held mobile telephone to, or in the immediate proximity of, his or her ear while such vehicle is in  
12 motion is presumed to be engaging in a call within the meaning of this section. The presumption  
13 established by this subdivision is rebuttable by evidence tending to show that the operator was not  
14 engaged in a call.

15 (3) The provisions of this section shall not be construed as authorizing the seizure or  
16 forfeiture of a hand-held mobile telephone, unless otherwise provided by law.

17 (4) Subdivision (1) of this subsection does not apply to: (i) the use of a hand-held mobile  
18 telephone for the sole purpose of communicating with any of the following regarding an  
19 emergency situation: an emergency response operator; a hospital, physician's office or health  
20 clinic; an ambulance company; a fire department; or a police department; or (ii) any of the  
21 following persons while in the performance of his or her official duties and within the scope of  
22 his or her employment: a peace officer, as defined in section 12-7-21, a firefighter or an operator  
23 of an ambulance or authorized emergency vehicle, or the operator of a taxi cab, tow truck or bus  
24 without passengers; or (iii) the use of a hands-free mobile telephone.

25 (c) Any person who violates subsection (a) shall be fined not more than one hundred  
26 dollars (\$100) except that the fine shall be suspended for a first time violator who provides proof  
27 of acquisition of a hands-free accessory subsequent to the violation, but prior to the imposition of  
28 a fine.

29 (d) Except as otherwise provided in this section, no person shall engage in any activity  
30 not related to the actual operation of a motor vehicle in a manner that interferes with the safe  
31 operation of such vehicle on any highway.

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

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE TELEPHONE USE

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1           This act would make unlawful the use of a non-hands-free mobile telephone by any  
2 person under the age of twenty-one (21) while operating a motor vehicle on any highway, road or  
3 street within the state with the exception of public safety personnel.

4           This act would take effect upon passage.

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