

2025 -- H 5901 SUBSTITUTE A

LC001490/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES

Introduced By: Representatives Noret, Read, Corvese, Hull, Casey, Phillips, DeSimone,
Kazarian, Speakman, and Lima
Date Introduced: February 28, 2025

Referred To: House Judiciary
(Judiciary)

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Sections 31-22-30 and 31-22-31 of the General Laws in Chapter 31-22
- 2 entitled "Miscellaneous Rules" are hereby amended to read as follows:
- 3 **31-22-30. ~~Text messaging while operating a motor vehicle~~ Distracted driving**
- 4 **prohibited 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.
- 15 (3) “Inoperability” means a motor vehicle that is incapable of being operated or being
- 16 operated in a safe and prudent manner due to mechanical failure, including, but not limited to,
- 17 engine overheating or tire failure.
- 18 (4) “Motor vehicle” means any vehicle that is self-propelled by a motor, including, but not
- 19 limited to: automobiles, trucks, vans, construction vehicles, etc.

1 (5) "Person" means any natural person, corporation, unincorporated association, firm,
2 partnership, joint venture, joint stock association, or other entity or business organization of any
3 kind.

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

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

9 (8) "Text message," also referred to as short messaging service (SMS), means the process
10 by which users send, read, or receive messages on a wireless handset, including text messages,
11 instant messages, electronic messages, or e-mails, in order to communicate with any person or
12 device.

13 (9) ~~"Use" means to operate a wireless handset or a personal wireless communication device~~
14 ~~in a manner not consistent with hands-free operation.~~

15 (10) "Wireless handset" means a portable electronic or computing device, including
16 ~~cellular telephones~~ mobile devices and personal digital assistants (PDAs), capable of transmitting
17 data ~~in the form of a text message.~~

18 (b) No person shall use a wireless handset or personal wireless communication device to
19 compose, read, or send text messages, or for any other purpose while driving a motor vehicle on
20 any public street or public highway within the state of Rhode Island- except for:

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

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

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

27 (3) A person using a wireless handset or personal wireless communication device inside a
28 motor vehicle while such motor vehicle is parked, standing, or stopped and is removed from the
29 flow of traffic, in accordance with applicable laws, rules, or ordinances, or is stopped due to the
30 inoperability of such motor vehicle; ~~or~~

31 (4) A person activating, viewing, or deactivating a global positioning or navigation device
32 or a global positioning or navigation application- while the handset is mounted or otherwise affixed
33 to the vehicle to allow for hands-free operation; or

34 (5) The use of a personal wireless communication device in a hands-free manner, with a

hands-free accessory, or with the activation or deactivation of a feature or function of the personal wireless communication device with the motion of a single swipe or tap of the finger of the driver.

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

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

~~(e)~~(d) Any person who violates any of the provisions of this section shall, upon conviction, be subject to a fine of one hundred dollars (\$100), ~~or a license suspension for up to thirty (30) days, or both~~; for a second conviction a person shall be subject to a fine of one hundred fifty dollars (\$150), ~~or a license suspension for up to three (3) months, or both~~; and for a third or subsequent conviction a person shall be subject to a fine of two hundred fifty dollars (\$250), ~~or a license suspension for up to six (6) months, or both~~. All violations arising out of this section shall be heard in the Rhode Island traffic tribunal.

(e) If the offending operator elects to dispose of the charge without personally appearing before the traffic tribunal, then in accordance with the provisions of § 31-41.1-3, the operator shall execute the form indicated and return it to the traffic tribunal not later than twenty (20) days from the date of the summons, either by mailing or delivering the form and summons, to the violation section of the traffic tribunal, or to its designee, together with a check or money order in the amount indicated by the fine schedule on the form in addition to any technology surcharge applied by the traffic tribunal assessed in accordance with § 8-15-11.

31-22-31. Mobile telephone usage by motor vehicle operators.

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

(1) "Engage in a call" means talking into or listening on a hand-held personal wireless communication device, but does not include holding a hand-held personal wireless communication device to activate, deactivate, or initiate a function of such telephone.

(2) "Hand-held personal wireless communication device" means a personal wireless communication device with which a user engages in a call using at least one hand.

(3) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a personal wireless communication device, whether or not permanently installed in a motor vehicle, that, when used, allows the vehicle operator to maintain both hands on the steering wheel.

(4) "Hands-free personal wireless communication device" means a hand-held personal wireless communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such hand-held personal wireless communication device, by which a user engages in a call without the use of either hand, whether

1 or not the use of either hand is necessary to activate, deactivate, or initiate a function of such
2 telephone.

3 (5) “Immediate proximity” means the distance that permits the operator of a hand-held
4 personal wireless communication device to hear telecommunications transmitted over such hand-
5 held personal wireless communication device, but does not require physical contact with such
6 operator’s ear.

7 (6) “Mobile telephone” means a personal wireless communication device, analog, wireless,
8 or digital telephone capable of sending or receiving telephone communication without an access
9 line for service.

10 (7) “Public utility” means a business that provides electricity, natural gas, water, and
11 communications and other information services to residential and commercial customers.

12 (8) “Using” or “use” means holding a hand-held personal wireless communication device
13 to, or in the immediate proximity of, the user’s ear.

14 (b)(1) Except as otherwise provided in this section, no person shall operate a motor vehicle
15 while using a hand-held personal wireless communication device to engage in a call while such
16 vehicle is in motion.

17 (2) An operator of a motor vehicle who holds a hand-held personal wireless communication
18 device to, or in the immediate proximity of, the operator’s ear while such vehicle is in motion is
19 presumed to be engaging in a call within the meaning of this section. The presumption established
20 by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in
21 a call.

22 (3) The provisions of this section shall not be construed as authorizing the seizure or
23 forfeiture of a hand-held personal wireless communication device, unless otherwise provided by
24 law.

25 (4) Subsection (b)(1) of this section shall not apply to:

26 (i) The use of a hand-held personal wireless communication device for the sole purpose of
27 communicating with any of the following regarding an emergency situation: an emergency
28 response operator; a hospital, physician’s office or health clinic; an ambulance company; a fire
29 department; a police department; or a public utility; or

30 (ii) Any of the following persons while in the performance of their official duties and within
31 the scope of their employment: a peace officer, as defined in § 12-7-21, a firefighter or an operator
32 of an ambulance or authorized emergency vehicle, or the operator of a taxi cab, tow truck, or bus
33 without passengers; or employees or agents of a public utility; or

34 (iii) The use of a hands-free personal wireless communication device.

1 (c) Any person who violates the provisions of subsection (b)(1) of this section shall be
2 fined ~~not more than one hundred dollars (\$100); provided, however, until January 1, 2023, the fine~~
3 ~~shall be suspended for a first time violator who provides proof of acquisition of a hands free~~
4 ~~accessory subsequent to the violation, but prior to the imposition of a fine.~~

5 (d) If the offending operator elects to dispose of the charge without personally appearing
6 before the traffic tribunal, then in accordance with the provisions of § 31-41.1-3, the operator shall
7 execute the form indicated and return it to the traffic tribunal not later than twenty (20) days from
8 the date of the summons, either by mailing or delivering the form and summons, to the violation
9 section of the traffic tribunal, or to its designee, together with a check or money order in the amount
10 indicated by the fine schedule on the form in addition to any technology surcharge applied by the
11 traffic tribunal assessed in accordance with § 8-15-11.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES

1 This act would provide an additional exception to the prohibition on the usage of a wireless
2 communication device while driving and clarify that the use of a wireless communication device
3 for the purpose of navigation must be while the device is mounted or otherwise affixed to the
4 vehicle and not held in the motorist's hand. The act would also amend the violation provisions for
5 distracted driving and the use of a hand-held communication device while driving, and would
6 provide a method to pay certain fines by mail.

7 This act would take effect upon passage.

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