

2014 -- S 2092 SUBSTITUTE A

LC003279/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE TELEPHONE USE

Introduced By: Senators Sosnowski, Lombardo, Walaska, Cool Rumsey, and Goldin

Date Introduced: January 21, 2014

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 personal wireless communication device, analog,  
6 wireless or digital telephone capable of sending or receiving telephone communication without an  
7 access line for service.

8 (2) "Using" or "use" means holding a hand-held personal wireless communication device  
9 to, or in the immediate proximity of, the user's ear.

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

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

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

1 telephone.

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

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

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

12 (2) An operator of a motor vehicle who holds a hand-held personal wireless  
13 communication device to, or in the immediate proximity of, his or her ear while such vehicle is in  
14 motion is presumed to be engaging in a call within the meaning of this section. The presumption  
15 established by this subdivision is rebuttable by evidence tending to show that the operator was not  
16 engaged in a call.

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

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

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

1 SECTION 2. This act shall take effect on June 1, 2017.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would make unlawful the use of a non-hands-free personal wireless  
2 communication device while operating a motor vehicle, except for public safety personnel or in  
3 an emergency situation.

4           This act would take effect on June 1, 2017.

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