

2008 -- H 7058

LC00270

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO MOTOR VEHICLES -- MOBILE TELEPHONE USE

Introduced By: Representatives Giannini, Kilmartin, Gallison, Mattiello, and Brien

Date Introduced: January 08, 2008

Referred To: House Corporations

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 **31-22-30. 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 (8) "Text message" means sending words, sentences, paragraphs, symbols, or other text
7 through and/or to a device such as a hand-held mobile telephone, a personal digital assistant, or a
8 pager. The term also includes so-called "instant messaging."

9 (b)(1) Except as otherwise provided in this section, no person shall operate a motor
10 vehicle upon a highway, while using a hand-held mobile telephone to engage in a call and/or
11 send, read, or write a text message while such vehicle is in motion.

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

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

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

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

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

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

=====
LC00270
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR VEHICLES -- MOBILE TELEPHONE USE

- 1 This act would make unlawful the use of a non-hands-free mobile telephone and/or text
- 2 messaging while operating a motor vehicle except for public safety personnel.
- 3 This act would take effect upon passage.

=====
LC00270
=====