

**2009 -- S 0204 SUBSTITUTE A**

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LC00469/SUB A/3  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2009**

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Introduced By: Senators Sosnowski, Perry, Tassoni, and DiPalma

Date Introduced: February 04, 2009

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 **31-22-11.10. Text messaging while operating a motor vehicle.** – (a) For purposes of  
4 this section, the following terms shall have the following meanings:

5 (1) "Hands Free" means the manner in which a wireless handset is operated for the  
6 purpose of composing, reading or sending text messages, by using an internal feature or function,  
7 or through an attachment or addition, including but not limited to, an earpiece, headset, remote  
8 microphone or short range wireless connection, thereby allowing the user to operate said device  
9 without the use of hands.

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

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

15 (4) "Person" means any natural person, corporation, unincorporated association, firm,  
16 partnership, joint venture, joint stock association or other entity or business organization of any  
17 kind.

18 (5) "Stopped" means not in motion.

19 (6) "Text Message", also referred to as short messaging service (SMS) means the process

1 by which users send, read, or receive messages on a wireless handset, including but not limited to,  
2 text messages, instant messages, electronic messages or e-mails, in order to communicate with  
3 any person or device.

4 (7) "Use" means to hold a wireless handset in one's hands.

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

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

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

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

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

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

20 (d) Nothing in this section shall be construed to prohibit a person operating a motor  
21 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 fifty dollars (\$50.00); for a second conviction shall be subject to a fine of  
24 seventy-five dollars (\$75.00); and for a third or subsequent conviction a person shall be subject to  
25 a fine of one hundred dollars (\$100).

26 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 make text messaging while driving a motor vehicle offense and provide  
2 fines and penalties.

3           This act would take effect upon passage.

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