

2009 -- H 5604

LC01695

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MISCELLANEOUS RULES

Introduced By: Representative John J. McCauley

Date Introduced: February 25, 2009

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. Text messaging prohibited.** – (a) Except as provided in subsection (b) of this
4 section, a person operating a moving motor vehicle who, by means of an electronic wireless
5 communications device, other than a voice-activated global positioning or navigation system that
6 is permanently affixed to the vehicle, sends, reads, or writes a text message, is guilty of a traffic
7 infraction. A person shall not be considered to be sending, reading, or writing a text message
8 when he or she reads, selects, or enters a phone number or name in a wireless communications
9 device for the purpose of making a phone call.

10 (b) Subsection (a) of this section does not apply to a person operating:

11 (1) An authorized emergency vehicle as defined in section 31-1-3; or

12 (2) A moving motor vehicle while using an electronic wireless communications device

13 to:

14 (i) Report illegal activity;

15 (ii) Summon medical or other emergency help;

16 (iii) Prevent injury to a person or property; or

17 (iv) Relay information between a transit or for-hire operator and that operator's
18 dispatcher, in which the device is permanently affixed to the vehicle.

19 (c) Enforcement of this section by law enforcement officers may be accomplished only as

1 a secondary action when a driver of a motor vehicle has been detained for a suspected violation of
2 this title or an equivalent local ordinance or some other offense.

3 (d) Infractions under this act shall not become part of the driver's record under this title
4 and a finding that a person has committed a traffic infraction under this section shall not be made
5 available to insurance companies or employers.

6 (e) Any person violating this section shall be fined not more than one hundred fifty
7 dollars (\$150) upon conviction of the first offense, three hundred dollars (\$300) for the second
8 offense, and for a third and subsequent offense within (2) years, a six (6) month loss of license.

9 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 prohibit text messaging while driving, with certain exceptions, and the
2 penalties include a six (6) month loss of license for a third (3rd) violation within a two (2) year
3 period.

4 This act would take effect upon passage.

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