

2016 -- H 7168

LC003737

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE TELEPHONE USE

Introduced By: Representatives Fogarty, Tanzi, Carson, Hull, and Johnston

Date Introduced: January 14, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 31-22 of the General Laws entitled "Miscellaneous Rules" is hereby amended by adding thereto the following section:

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) "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.

(3) "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 or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone.

(4) "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.

(5) "Immediate proximity" means the distance that permits the operator of a hand-held

1 personal wireless communication device to hear telecommunications transmitted over such hand-
2 held personal wireless communication device, but does not require physical contact with such
3 operator's ear.

4 (6) "Mobile telephone" means a personal wireless communication device, analog,
5 wireless or digital telephone capable of sending or receiving telephone communication without an
6 access line for service.

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

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

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

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

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

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

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

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

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

32 (c) Any person who violates the provisions of subsection (b)(1) of this section shall be
33 fined not more than one hundred dollars (\$100) except that the fine shall be suspended for a first
34 time violator, who provides proof of acquisition of a hands-free accessory subsequent to the

1 [violation, but prior to the imposition of a fine.](#)

2 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 prohibit the use of a non-hands-free personal wireless communication
- 2 device while operating a motor vehicle, except for public safety personnel or in an emergency
- 3 situation, and would provide for monetary fines for violations.
- 4 This act would take effect on June 1, 2017.

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