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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MISCELLANEOUS RULES

Introduced By: Representatives Lima, Kennedy, Casimiro, Vella-Wilkinson, and Fellela

Date Introduced: January 19, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-22-30 of the General Laws in Chapter 31-22 entitled
2 "Miscellaneous Rules" is hereby amended to read as follows:

3 **31-22-30. Text messaging while operating a motor vehicle.**

4 (a) For purposes of this section, the following terms shall have the following meanings:

5 (1) "Driving" means operating a motor vehicle on a public road, including operation
6 while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise, but does
7 not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an
8 active roadway and has stopped in a location where it can safely remain stationary.

9 (2) "Hands free" means the manner in which a wireless handset is operated for the
10 purpose of composing, reading, or sending text messages by using an internal feature or function,
11 or through an attachment or addition, including, but not limited to, an earpiece, headset, remote
12 microphone, or short-range wireless connection, thereby allowing the user to operate said device
13 without the use of hands, except to activate, deactivate, or initiate a feature or function thereof.

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

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

19 (5) "Person" means any natural person, corporation, unincorporated association, firm,

1 partnership, joint venture, joint stock association, or other entity or business organization of any
2 kind.

3 (6) "Personal wireless communication device" means a hand-held device through which
4 personal wireless services (commercial mobile services, unlicensed wireless services, and
5 common carrier wireless exchange access services) are transmitted, but does not include a global
6 navigation satellite receiver used for positioning, emergency notification, or navigation purposes.

7 (7) "Stopped" means not in motion.

8 (8) "Text message", also referred to as short messaging service (SMS), means the process
9 by which users send, read, or receive messages on a wireless handset, including, ~~but not limited~~
10 ~~to~~ text messages, instant messages, electronic messages, or e-mails, in order to communicate
11 with any person or device.

12 (9) "Use" means to operate a wireless handset or a personal wireless communication
13 device in a manner not consistent with hands-free operation.

14 (10) "Wireless handset" means a portable electronic or computing device, including
15 cellular telephones and digital personal assistants (PDAs), capable of transmitting data in the
16 form of a text message.

17 (b) No person shall use a wireless handset or personal wireless communication device to
18 compose, read, or send text messages while driving a motor vehicle on any public street or public
19 highway within the state of Rhode Island.

20 (c) Notwithstanding the provisions of subsection (b), this section shall not be construed to
21 prohibit the use of any wireless handset or personal wireless communication device by:

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

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

27 (3) A person using a wireless handset or personal wireless communication device inside a
28 motor vehicle while such motor vehicle is parked, standing, or stopped and is removed from the
29 flow of traffic, in accordance with applicable laws, rules, or ordinances, or is stopped due to the
30 inoperability of such motor vehicle: or

31 (4) A person activating, viewing or deactivating a global positioning or navigation device
32 or a global positioning or navigation application.

33 (d) Nothing in this section shall be construed to prohibit a person, other than a pilot/escort
34 vehicle driver, driving a motor vehicle from utilizing a hands-free wireless handset.

1 The nonemergency use by pilot/escort vehicle drivers of portable electronic devices is
2 prohibited except to communicate hazard-related information to the escorted vehicle.

3 (e) Any person who violates any of the provisions of this section shall, upon conviction,
4 be subject to a fine of one hundred dollars (\$100), or a license suspension for up to thirty (30)
5 days, or both; for a second conviction a person shall be subject to a fine of one hundred fifty
6 dollars (\$150), or a license suspension for up to three (3) months, or both; and for a third or
7 subsequent conviction a person shall be subject to a fine of two hundred fifty dollars (\$250), or a
8 license suspension for up to six (6) months, or both. All violations arising out of this section shall
9 be heard in the Rhode Island traffic tribunal.

10 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 provide for an exception to the prohibition on texting while driving for
2 any person activating, viewing or deactivating a global positioning device or navigation
3 application.

4 This act would take effect upon passage.

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