

2014 -- H 7761

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MISCELLANEOUS RULES

Introduced By: Representatives Ruggiero, Gallison, and Finn

Date Introduced: February 27, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-22-11.9 and 31-22-30 of the General Laws in Chapter 31-22  
2 entitled "Miscellaneous Rules" are hereby amended to read as follows:

3 **31-22-11.9. Use of cell phones by minors while operating motor vehicles prohibited. -**

4 z (a) The use of a cell phone by a minor while said minor is operating a motor vehicle shall be  
5 prohibited, except in the case of an emergency. For purposes of this section, the term "minor"  
6 shall include any person less than eighteen (18) years of age.

7 (b) Any person who violates any of the provisions of subsection (a) of this section shall,  
8 upon conviction, be punished by a fine of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100).

9 (c) For a second conviction under this section, a person shall be punished by a fine of  
10 ~~fifty dollars (\$50.00)~~ one hundred fifty dollars (\$150).

11 (d) For a third or subsequent conviction, a person shall be punished by a fine of ~~one~~  
12 ~~hundred dollars (\$100)~~ two hundred and fifty dollars (\$250) and/or loss of license until the user  
13 reaches his/her eighteenth (18th) birthday.

14 **31-22-30. Text messaging while operating a motor vehicle. --** (a) For purposes of this  
15 section, the following terms shall have the following meanings:

16 (1) "Hands Free" means the manner in which a wireless handset is operated for the  
17 purpose of composing, reading, or sending text messages, by using an internal feature or function,  
18 or through an attachment or addition, including, but not limited to, an earpiece, headset, remote  
19 microphone, or short-range wireless connection, thereby allowing the user to operate said device

1 without the use of hands.

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

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

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

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

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

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

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

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

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

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

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

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

31 (d) Nothing in this section shall be construed to prohibit a person operating a motor  
32 vehicle from utilizing a hands-free wireless handset.

33 (e) Any person who violates any of the provisions of this section shall, upon conviction,  
34 be subject to a fine of ~~eighty-five dollars (\$85.00)~~ one hundred dollars (\$100), or a license

1 suspension for up to thirty (30) days, or both; for a second conviction shall be subject to a fine of  
2 ~~one hundred dollars (\$100)~~ one hundred fifty dollars (\$150), or a license suspension for up to  
3 three (3) months, or both; and for a third or subsequent conviction a person shall be subject to a  
4 fine of ~~one hundred twenty five dollars (\$125)~~ two hundred fifty dollars (\$250), or a license  
5 suspension for up to six (6) months, or both. All violations arising out of this section shall be  
6 heard in the Rhode Island ~~T~~Traffic ~~T~~Tribunal.

7 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 increase the fines for the use of a cell phone by a minor while operating a
- 2 motor vehicle and would increase the fines for texting while operating a motor vehicle.
- 3           This act would take effect upon passage.

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