

HOUSE BILL NO. 178

INTRODUCED BY F. ANDERSON, J. BACHMEIER, N. DURAM, D. FERN, B. GRUBBS, W. MCKAMEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF A WIRELESS COMMUNICATION DEVICE BY A MINOR TO WRITE, SEND, OR READ A WRITTEN COMMUNICATION WHILE OPERATING A MOTOR VEHICLE; AND PROVIDING FOR PENALTIES AND EXEMPTIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Wireless communication device for written communication prohibited

-- penalties -- exceptions. (1) (a) Except as provided in subsections (1)(b) and (4), a minor may not use a wireless communication device to write, send, or read a written communication while operating a motor vehicle on a highway, as defined in 61-1-101, including operation while temporarily stationary because of traffic, a traffic control signal, or a stop sign.

(b) A minor may use a wireless communication device to write, send, or read a written communication while operating a motor vehicle if the vehicle has been driven off or to the side of an active roadway and has stopped in a location where it can safely remain stationary.

(2) (a) A minor who violates subsection (1) shall be fined \$50. A minor who commits a second violation of subsection (1) shall be fined \$100. A minor who commits a third or subsequent violation of subsection (1) shall be fined \$200.

(b) A violation of this section may not be recorded or charged against a driver's record, points may not be assessed against the driver's record pursuant to 61-11-203, and an insurance company may not hold a violation of this section against the insured driver.

(3) The provisions of this section may not be construed as authorizing the search or forfeiture of a wireless communication device unless otherwise provided by law.

(4) This section does not apply to an operator of a motor vehicle who, while the vehicle is in motion is using the wireless communication device in the manner described in subsection (1)(a) to obtain emergency assistance, to report a fire or police emergency, or in the reasonable belief that an individual's life or safety is in danger.

(5) The department shall encourage schools that offer traffic education to include information on the



1 provisions of this section in the distracted driving education information provided for in 61-5-135.

2 (6) This section does not limit the authority of a local governing body to enact an ordinance that is more
3 restrictive than the provisions of this section.

4 (7) As used in this section, the following definitions apply:

5 (a) (i) "Wireless communication device" means a wireless telephone, a text-messaging device, a
6 personal digital assistant, a laptop computer, or any other substantially similar communication device that is
7 readily removable from the vehicle and is used to write, send, or read text or data through manual input.

8 (ii) The term does not include:

9 (A) a device while used for global position or navigation services;

10 (B) a system or device that is physically or electronically integrated into the vehicle; or

11 (C) citizens band radios, citizens band radio hybrids, commercial two-way radio communication devices,
12 or electronic communication devices with a push-to-talk function.

13 (b) "Write, send, or read a written communication" means to use a wireless communication device to
14 manually type, send, or read a written communication, including but not limited to a text message, an instant
15 message, and electronic mail.

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17 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
18 integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 1].

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