

HOUSE BILL NO. 180

INTRODUCED BY D. LOGE, D. ANKNEY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING USE OF INTERACTIVE WIRELESS COMMUNICATION DEVICES IN SCHOOL ZONES OR WORK ZONES; PROVIDING DEFINITIONS; AND PROVIDING A PENALTY; ~~AND AMENDING SECTION 61-8-715, MCA.~~"

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

NEW SECTION. **Section 1. Prohibition on interactive wireless communication device in school zone or work zone -- penalties -- definition.** (1) A person may not use an interactive wireless communication device while operating a motor vehicle in a school zone or a work zone, as defined in 61-8-314.

(2) This section does not apply to:

(a) law enforcement personnel or drivers of authorized emergency vehicles when on duty and acting in their official capacities;

(b) a person reporting an accident or emergency; ~~or~~

(c) a person using a hands-free interactive wireless communication device while driving; OR

(D) A PERSON AUTHORIZED BY THE DEPARTMENT OF TRANSPORTATION, A LOCAL AUTHORITY, UTILITY COMPANY, OR PRIVATE CONTRACTOR TO BE IN THE WORK ZONE.

(3) A person who is convicted of an offense of using an interactive wireless communication device in a school zone or a work zone is subject to the penalties of ~~61-8-715~~ 61-8-711.

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

(a) "Hands-free interactive wireless communication device" means an interactive wireless communication device that has an internal feature or is equipped with an attachment or addition by which a user engages in a voice or data communication without the use of either hand and regardless of whether either hand is used to activate, deactivate, or initiate a function of the device.

(b) "Interactive wireless communication device" means a wireless electronic communication device that provides for voice or data communication between two or more parties, including but not limited to a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, or a laptop computer. The term does not include a citizens band radio, a two-way radio communication device, or a

1 device that is permanently affixed to a bus or school bus.

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3 ~~Section 2.~~ Section 61-8-715, MCA, is amended to read:

4 ~~"61-8-715. Reckless driving -- reckless endangerment of highway workers -- use of interactive~~
5 ~~wireless communication device -- penalty.~~ (1) Except as provided in subsection (2), a person convicted of
6 reckless driving under 61-8-301(1)(a) or (1)(b), or convicted of reckless endangerment of a highway worker under
7 61-8-301(4), or use of an interactive wireless communication device in a school zone or a work zone under
8 ~~[section 1]~~ shall be punished upon a first conviction by imprisonment for a term of not more than 90 days, a fine
9 of not less than \$25 or more than \$300, or both. On a second or subsequent conviction, the person shall be
10 punished by imprisonment for a term of not less than 10 days or more than 6 months, a fine of not less than \$50
11 or more than \$500, or both.

12 ~~(2) A person who is convicted of reckless driving under 61-8-301 and whose offense results in the death~~
13 ~~or serious bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000,~~
14 ~~incarceration for a term not to exceed 1 year, or both."~~

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

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