

2017 -- H 5182

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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 -- MOBILE TELEPHONE USE

Introduced By: Representatives Fogarty, Tanzi, Regunberg, Carson, and Maldonado

Date Introduced: January 19, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **31-22-31. Mobile telephone usage by motor vehicle operators.**

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

5 (1) "Engage in a call" means talking into or listening on a hand-held personal wireless
6 communication device, but does not include holding a hand-held personal wireless
7 communication device to activate, deactivate or initiate a function of such telephone.

8 (2) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a
9 personal wireless communication device, whether or not permanently installed in a motor vehicle,
10 that, when used, allows the vehicle operator to maintain both hands on the steering wheel.

11 (3) "Hands-free personal wireless communication device" means a hand-held personal
12 wireless communication device that has an internal feature or function, or that is equipped with an
13 attachment or addition, whether or not permanently part of such hand-held personal wireless
14 communication device, by which a user engages in a call without the use of either hand, whether
15 or not the use of either hand is necessary to activate, deactivate or initiate a function of such
16 telephone.

17 (4) "Hand-held personal wireless communication device" means a personal wireless
18 communication device with which a user engages in a call using at least one hand.

19 (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, the operator's ear while such vehicle
16 is in motion is presumed to be engaging in a call within the meaning of this section. The
17 presumption established by this subdivision is rebuttable by evidence tending to show that the
18 operator was not 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, 2018.

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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, 2018.

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