

2011 -- H 5870

LC02033

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES

Introduced By: Representative Charlene Lima

Date Introduced: March 08, 2011

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

5 (1) "Hands Free" means the manner in which a wireless handset is operated for the  
6 purpose of composing, reading or sending text messages, by using an internal feature or function,  
7 or through an attachment or addition, including but not limited to, an earpiece, headset, remote  
8 microphone or short range wireless connection, thereby allowing the user to operate said device  
9 without the use of hands.

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

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

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

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

19 (6) "Text Message", also referred to as short messaging service (SMS) means the process

1 by which users send, read, or receive messages on a wireless handset, including but not limited to,  
2 text messages, instant messages, electronic messages or e-mails, in order to communicate with  
3 any person or device.

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

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

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

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

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

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

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

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

22 (e) Any person who violates any of the provisions of this section shall, upon conviction,  
23 be subject to:

24 (1) ~~a~~ A fine of eighty-five dollars (\$85.00); and the mandatory requirement that a device  
25 which prevents text messaging and cell phone calls be installed in the their vehicle. Said device  
26 shall still provide the capability to dial 91-1 or other emergency numbers which the device  
27 administrator permits. This requirement cannot be waived by any judge or magistrate and it shall  
28 be an additional violation for a driver convicted and sentenced pursuant to this section to drive an  
29 automobile without the device required herein. Any person caught driving without the device  
30 required herein shall have his or her license to operate a motor vehicle suspended for one year for  
31 the first offense, and two (2) years for all subsequent offenses;

32 (2) ~~for~~ For a second conviction shall be subject to a fine of one hundred dollars (\$100);  
33 and ~~for~~

34 (3) For a third or subsequent conviction a person shall be subject to a fine of one hundred

1 twenty-five dollars (\$125). All violations arising out of this section shall be heard in the Rhode  
2 Island Traffic Tribunal.

3 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 additional penalties for persons found guilty of texting while
- 2 driving.
- 3           This act would take effect upon passage.

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