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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES

Introduced By: Representative Raymond H. Johnston

Date Introduced: March 13, 2015

Referred To: House Judiciary

(Transportation)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-22-11.8 and 31-22-30 of the General Laws in Chapter 31-22
2 entitled "Miscellaneous Rules" are hereby amended to read as follows:

3 **31-22-11.8. Unauthorized use of personal wireless communication devices on a**
4 **school bus. --** (a) The use of a personal wireless communications device by a school bus driver
5 shall be prohibited, while the bus is transporting children, except in the case of an emergency.

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

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

10 (d) For a third or subsequent conviction under this section a person shall be punished by a
11 fine of two hundred dollars (\$200).

12 ~~(d)~~(e) If any civil action is brought as a result of a violation of this section, the violation
13 shall be evidence of negligence.

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) "Driving" means operating a motor vehicle on a public road, including operation
17 while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise, but does
18 not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an
19 active roadway and has stopped in a location where it can safely remain stationary.

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

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

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

11 (5) "Person" means any natural person, corporation, unincorporated association, firm,
12 partnership, joint venture, joint stock association, or other entity or business organization of any
13 kind.

14 (6) "Personal wireless communication device" means a hand-held device through which
15 personal wireless services (commercial mobile services, unlicensed wireless services, and
16 common carrier wireless exchange access services) are transmitted, but does not include a global
17 navigation satellite receiver used for positioning, emergency notification, or navigation purposes.

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

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

23 (9) "Use" means to ~~hold~~ operate a wireless handset or a personal wireless
24 communication device in ~~one's hands~~ in a manner not consistent with hands-free operation.

25 (10) "Wireless Handset" means a portable electronic or computing device, including
26 cellular telephones and digital personal assistants (PDAs), capable of transmitting data in the
27 form of a text message.

28 (b) No person shall use a wireless handset or personal wireless communication device to
29 compose, read, or send text messages while driving a motor vehicle on any public street or public
30 highway within the state of Rhode Island.

31 (c) Notwithstanding the provisions of subsection (b), this section shall not be construed
32 to prohibit the use of any wireless handset or personal wireless communication device by:

33 (1) Any law enforcement, public safety or police officers, emergency services officials,
34 first aid, emergency medical technicians and personnel, and fire safety officials in the

1 performance of duties arising out of, and in the course of, their employment as such;

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

4 (3) A person using a wireless handset or personal wireless communication device inside
5 a motor vehicle while such motor vehicle is parked, standing, or stopped and is removed from the
6 flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the
7 inoperability of such motor vehicle.

8 (d) Nothing in this section shall be construed to prohibit a person other than a pilot/escort
9 vehicle driver, driving a motor vehicle from utilizing a hands-free wireless handset. The
10 nonemergency use by pilot/escort vehicle drivers of portable electronic devices is prohibited
11 except to communicate hazard-related information to the escorted vehicle.

12 (e) Any person who violates any of the provisions of this section shall, upon conviction,
13 be subject to a fine of one hundred dollars (\$100), or a license suspension for up to thirty (30)
14 days, or both; for a second conviction a person shall be subject to a fine of one hundred fifty
15 dollars (\$150), or a license suspension for up to three (3) months, or both; and for a third or
16 subsequent conviction a person shall be subject to a fine of two hundred fifty dollars (\$250), or a
17 license suspension for up to six (6) months, or both. All violations arising out of this section shall
18 be heard in the Rhode Island traffic tribunal.

19 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 clarify the fine schedule for unauthorized use of personal wireless
2 communications devices on a school bus. The act would also clarify the definition of "use" to
3 prohibit any use of a wireless handset or a personal wireless communication device other than
4 hands-free use, to conform Rhode Island's legislation with federal guidelines.

5 This act would take effect upon passage.

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