

2016 -- S 2232

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOBILE TELEPHONE USE

Introduced By: Senators Ciccone, Sosnowski, Archambault, DiPalma, and Lombardi

Date Introduced: January 27, 2016

Referred To: Senate 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.** – (a) No operator of a
4 motor vehicle shall use a mobile electronic device or personal wireless communication device as
5 defined in §31-22-30, unless the person is using the device in a hands-free mode, and shall not
6 touch or hold the mobile electronic device or personal wireless communication device while
7 operating a motor vehicle except to activate, deactivate, or initiate a feature or function. No
8 operator of a motor vehicle shall use a mobile electronic device, or personal wireless
9 communication device or other device capable of accessing the internet to compose, send, or read
10 an electronic message or to input information by hand into a global positioning system or
11 navigation device while operating such vehicle. An operator of a motor vehicle who holds a
12 mobile electronic device or personal wireless communication device to, or in the immediate
13 proximity of the operator's head while operating such vehicle shall be presumed to be in violation
14 of this section. For the purposes of this section, an operator shall not be considered to be
15 operating a motor vehicle if the vehicle is stationary and not located in a part of the roadway
16 intended for travel.

17 (b) Any person who violates this section shall be punished by a fine of one hundred
18 dollars (\$100) for a first offense, by a fine of two hundred fifty dollars (\$250) for a second
19 offense, and by a fine of five hundred dollars (\$500) for a third or subsequent offense. A third or

1 subsequent violation of this section shall be sufficient justification to be classified as a habitual
2 offender pursuant to chapter 40 of title 31.

3 (c) It shall be an affirmative defense for an operator to produce documentary or other
4 evidence that the use of a mobile electronic device or a personal wireless communication device
5 that is the basis of the alleged violation was made for emergency purposes. For the purpose of this
6 section, "emergency purposes" means that the operator used the mobile electronic device to
7 communicate with another person to report:

8 (i) That the motor vehicle was disabled;

9 (ii) That medical attention or assistance was required;

10 (iii) That police intervention, fire department or other emergency service was necessary
11 for the personal safety of the operator or a passenger; or

12 (iv) That a disabled vehicle or an accident was present in the roadway.

13 (d) For purposes of this section "mobile electronic device" means any hand-held or other
14 portable electronic equipment capable of providing data communication between two (2) or more
15 persons, including, without limitation, a mobile telephone, a text messaging device, a paging
16 device, a personal digital assistant, a laptop computer, electronic equipment that is capable of
17 playing a video game or digital video disk, equipment on which digital photographs are taken or
18 transmitted or any combination thereof, or equipment that is capable of visually receiving a
19 television broadcast; provided, however, that mobile electronic device shall not include any audio
20 equipment or any equipment installed, or affixed, either temporarily or permanently, in a motor
21 vehicle for the purpose of providing navigation or emergency assistance to the operator of such
22 motor vehicle or video entertainment to the passengers in the rear seats of such motor vehicle.

23 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 require that operators of motor vehicles use only hands-free mobile
2 electronic communication devices and would provide for monetary penalties for violations of said
3 requirement.

4 This act would take effect upon passage.

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