

2020 -- S 2453

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES

Introduced By: Senators Sosnowski, McKenney, Raptakis, and Coyne

Date Introduced: February 13, 2020

Referred To: Senate Judiciary

(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~~ Use of wireless handset**
4 **while operating a motor vehicle.**

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

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

10 (2) "Hands free" means the manner in which a wireless handset is operated ~~for the~~
11 ~~purpose of composing, reading, or sending text messages~~ by using an internal feature or function,
12 or through an attachment or addition, including, but not limited to, an earpiece, headset, remote
13 microphone, or short-range wireless connection, thereby allowing the user to operate said device
14 without ~~the use of hands, except to activate, deactivate, or initiate a feature or function thereof~~
15 holding the wireless handset in his or her hand.

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

19 (4) "Motor vehicle" means any vehicle that is self-propelled by a motor, including, but

1 not limited to: automobiles, trucks, vans, construction vehicles, etc.

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

5 (6) "Personal wireless communication device" means a hand-held device through which
6 personal wireless services (commercial mobile services, unlicensed wireless services, and
7 common carrier wireless exchange access services) are transmitted, but does not include ~~a~~ an
8 integral or fixed, mounted global navigation satellite receiver used for positioning, emergency
9 notification, or navigation purposes.

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

11 (8) ~~"Text message," also referred to as short messaging service (SMS), means the process~~
12 ~~by which users send, read, or receive messages on a wireless handset, including text messages,~~
13 ~~instant messages, electronic messages, or e-mails, in order to communicate with any person or~~
14 ~~device.~~

15 (9) "Use" means to operate a wireless handset or a personal wireless communication
16 device in a manner not consistent with hands-free operation.

17 (10) "Wireless handset" means a portable electronic or computing device, including
18 ~~cellular~~ mobile telephones and personal digital assistants (PDAs), used for communication and
19 capable of transmitting data ~~in the form of a text message.~~

20 (b) No person shall ~~use~~ hold a wireless handset or personal wireless communication
21 device ~~to compose, read, or send text messages~~ while driving a motor vehicle on any public street
22 or public highway within the state of Rhode Island ~~except for:~~

23 ~~(e) Notwithstanding the provisions of subsection (b), this section shall not be construed to~~
24 ~~prohibit the use of any wireless handset or personal wireless communication device by:~~

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

28 (2) A person using a wireless handset to contact an individual listed in subsection ~~(e)~~(b)
29 (1);

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

34 (4) A person activating, viewing, or deactivating a global positioning or navigation

1 device or a global positioning or navigation application while the handset is mounted or otherwise
2 affixed to the vehicle to allow for hands-free operation.

3 ~~(c)~~(c) Nothing in this section shall be construed to prohibit a person driving a motor
4 vehicle from utilizing a hands-free wireless handset.

5 The nonemergency use by pilot/escort vehicle drivers of portable electronic devices is
6 prohibited.

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

14 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 that the permissive use of a wireless communication device for
2 the purpose of navigation of a motor vehicle shall only be applicable in cases where the device is
3 mounted or otherwise affixed to the vehicle and not held in the motorist's hand.

4 This act would take effect upon passage.

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