

**ARRL STATE LEGISLATIVE REPORT  
DECEMBER 2010 – JANUARY 2011**

Throughout the year, we monitor all 50 state legislatures and report on bills of importance to the American Radio Relay League. These include, but are not limited to:

- 78 Bills relating to Wireless Devices While Driving
  - 3 Bills relating to Antennas
  - 4 Bills relating to License Plates
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**ALABAMA**

**There is no legislation to report at this time.**

**ALASKA**

**There is no legislation to report at this time.**

**ARIZONA**

**AZ H 2287 – Antennas**

This bill was introduced January 18, 2011 by Rep. Nancy McLain (R), relating to emergency communications and antenna placement. The bill directs municipalities, boards of supervisors, and community associations, for purposes of zoning regulations, to provide "...reasonable heights and dimensions...for accommodation of amateur radio station emergency service communications antennae and structures." As of January 20, 2011, the bill is currently pending in the House Committee on Military Affairs and Public Safety.

**AZ H 2426 – Wireless Devices While Driving**

Introduced January 18, 2011 by Rep. Steve Farley (D), relating to wireless communication devices while driving. This legislation prohibits a Class G Driver Licensee years of age from operating a motor vehicle on a highway while using a wireless communication device. Exceptions are made for a driver who is reporting criminal, reckless, or negligent behavior, an emergency situation, or physical danger of a person provided that the driver in question is the only person in the vehicle. This provision does not apply to drivers 18 years or older unless that person has been restricted from receiving a Class D Driver License. On January 24, 2011, this bill was referred to the House Committee on Transportation, the House Committee on Military Affairs and Public Safety, and the House Committee on Rules, where it is currently pending.

**AZ S 1111 – Wireless Devices While Driving**

This bill was introduced January 12, 2011 by Sen. Steve Pierce (R), relating to wireless communication devices while driving. This legislation prohibits a person from using a handheld wireless communications device while operating a motor vehicle. There are no exemptions in this bill. As of January 13, 2011, this bill was referred to the Senate Committee on the Judiciary and the Senate Committee on Rules, where it is currently pending.

## **ARKANSAS**

### **AR H 1049 – Wireless Devices While Driving**

This bill was pre-filed on December 7, 2010, and introduced on January 26, 2011, by Rep. Fred Allen (D) prohibiting the use of wireless telephones or devices in school zones while operating a motor vehicle when children are present. The bill excludes hands-free devices, CB radios, and GPS devices. As of January 26, 2011, the bill was referred to the House Committee on Public Transportation. On January 27, 2011, the Committee reported the bill to House with a recommendation of “Do Pass”. The bill is currently pending in the House.

### **AR S 154 – Wireless Devices While Driving**

Introduced January 26, 2011 by Sen. Jerry Taylor (D), this bill prohibits the use of wireless telephones or devices in school zones where children are present and highway work zones while operating a motor vehicle. The bill excludes hands-free devices, CB radios, and GPS devices. As of January 26, 2011, this bill was referred to the Senate Committee on Transportation, Technology, and Legislative affairs, where it is currently pending.

## **CALIFORNIA**

### **CA S 28 - Wireless Devices While Driving**

Introduced December 6, 2010 by Sen. S. Joseph Simitian (D), this bill amends existing law regarding driver license applicants to require the Department of Motor Vehicles to include a test of the applicant's understanding of the distractions and dangers of handheld cell phone use and text messaging while operating a motor vehicle. It also increases the base fines for a violation of the prohibition involving driving a motor vehicle while using a wireless communications device. There is an exclusion for a person using a wireless telephone or a mobile service device for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity. As of December 6, 2010, this bill is pending in the Senate.

## **COLORADO**

**There is no legislation to report at this time.**

## **CONNECTICUT**

**There is no legislation to report at this time.**

## **DELAWARE**

**There is no legislation to report at this time.**

## **FLORIDA**

### **FL H 79 – Wireless Devices While Driving**

This bill was pre-filed December 16, 2010 by Rep. Ari Abraham Porth (D), relating to use of wireless communications devices and driving. This legislation creates the Florida Ban on Texting While Driving Law, prohibits the operation of a motor vehicle while using a wireless communications device for certain purposes, specifies information that is admissible as evidence of a violation, and provides for enforcement as a secondary action. This bill excludes persons receiving messages that are safety-related information, including emergency, traffic, or weather alerts; radio broadcasts; and wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate a feature or function. The counterpart bill in the Senate is S 158. As of December 16, 2010, the pre-filed bill is awaiting introduction in the House.

### **FL S 158 – Wireless Devices While Driving**

Pre-filed December 1, 2010 by Sen. Nancy Detert (R), this bill relates to use of wireless communications devices and driving, creates the Florida Ban on Texting While Driving Law, prohibits the operation of a motor vehicle while using a wireless communications device for certain purposes, specifies information that is admissible as evidence of a violation, and provides for enforcement as a secondary action. This bill excludes persons receiving messages that are safety-related information, including emergency, traffic, or weather alerts; radio broadcasts; and wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate a feature or function. The counterpart bill in the House is H 79. As of December 16, 2010, this legislation was referred to the Senate Committee on Transportation, the Senate Committee on Communications, Energy, and Public Utilities, and the Senate Committee on Budget, where the bill is currently pending.

## **GEORGIA**

### **GA H 97 – Wireless Devices While Driving**

This bill was introduced January 24, 2011 by Rep. Rahn Mayo (D), relating to use of wireless communications devices and driving. The legislation prohibits the use of a hand-held mobile telephone without a hands-free device while operating a motor vehicle. There is an exemption for "...the proper use of a radio, citizens band radio, hands-free mobile telephone, or amateur or ham radio..." As of January 25, 2011, this bill is currently pending in the House Committee on Public Safety and Homeland Security.

## **HAWAII**

### **HI H 287 – Antennas**

This bill was introduced January 24, 2011 by Rep. Clift Tsuji (D), relating to farm dwellings. As Hawaii faces frequent subdivision of farm properties for residential development purposes within designated agricultural districts, the bill establishes maximum floor area for a farm dwelling in the agricultural district and increases the minimum lot size in the agricultural district to 5 acres. This bill provides that no new structure that is not deemed a permitted use under the provisions of this bill shall be permitted to be constructed. This includes wireless communication antennas, which for purposes of this bill means communications equipment that is either freestanding or placed upon or attached to an already existing structure and that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. As of January 24, 2011, this bill was referred to the House Committee on Agriculture, the House Committee on Water, Land, and Ocean Resources, and the House Committee on the Judiciary, where it is currently pending.

### **HI H 289 – Antennas**

This bill was introduced January 24, 2011 by Rep. Clift Tsuji (D), relating to farm dwellings. As Hawaii faces frequent subdivision of farm properties for residential development purposes within designated agricultural districts, the bill establishes maximum floor area for a farm dwelling in the agricultural district and increases the minimum lot size in the agricultural district to 5 acres. This bill provides that no new structure that is not deemed a permitted use under the provisions of this bill shall be permitted to be constructed. This includes wireless communication antennas, which for purposes of this bill means communications equipment that is either freestanding or placed upon or attached to an already existing structure and that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. As of January 24, 2011, this bill was referred to the House Committee on Agriculture, the House Committee on Water, Land, and Ocean Resources, and the House Committee on the Judiciary, where it is currently pending. As of January 31, 2011, the bill was scheduled to be heard by the House Committee on Agriculture on February 2, 2011.

### **HI H 623 – Distracted Driving**

This bill was introduced January 21, 2011 by Rep. Cindy Evans (D). This legislation makes it a misdemeanor to use a handheld wireless communication device for text messaging, emailing, or accessing the Internet while operating a motor vehicle. There are exceptions for reporting medical emergencies, reporting or requesting assistance with a safety hazard or criminal activity, and use by law enforcement officers and emergency service personnel within the scope of employment. As of January 24, 2011, this bill was referred to the House Committee on Transportation, where it is currently pending.

## **IDAHO**

### **ID S 1025 – Distracted Driving**

This bill was introduced January 20, 2011 by Sen. Les Bock (D). The bill prohibits texting while driving a moving motor vehicle. For purposes of this legislation, texting is defined as engaging in the manual preparation and transmission of written communications via handheld wireless devices. This definition does not include voice-operated or hands free devices that allow the user

to review, prepare and transmit a text message without the use of either hand other than to activate, deactivate or initiate a feature or function or to dial a telephone number. Persons driving law enforcement, fire or emergency medical vehicles, while acting within the course and scope of their duties, are exempted from this provision. As of January 20, 2011, this bill is currently pending in the Senate.

## **ILLINOIS**

**There is no legislation to report at this time.**

## **INDIANA**

### **IN H 1129 – Wireless Devices While Driving**

This bill was introduced January 6, 2011 by Rep. Eric Allan Koch (R), relating to use of telecommunications devices while driving. The bill provides that it is a Class C infraction if a person uses a telecommunications device to type, transmit, or read a text message or electronic mail message while operating a moving motor vehicle. The legislation allows a person to use hands free or voice operated technology to transmit a text message or electronic mail message while operating a moving motor vehicle. For purposes of this bill, "telecommunications device" does not include: (1) amateur radio equipment operated by a person licensed by the Federal Communications Commission as an amateur radio operator; or (2) a communications system installed in a commercial vehicle weighing more than 10,000 pounds. The bill also prohibits a police officer from confiscating a telecommunications device for the purpose of determining compliance or confiscating a telecommunications device and retaining it as evidence pending trial for the violation. It repeals the current definition of "telecommunications device". As of January 6, 2011, this bill was referred to the House Committee on Roads and Transportation, where it is currently pending.

### **IN H 1158 – Wireless Devices While Driving**

This bill was introduced January 10, 2011 by Rep. David Yarde (R). It makes the use of a handheld wireless communications device to place or receive a call, transmit a text message, or transmit an electronic mail message while operating a moving motor vehicle a Class D felony if the person causes serious bodily injury to another person, and also enhances the penalty to a Class C felony if a person is killed. The bill provides that calling while driving resulting in injury or death may constitute a predicate offense for a habitual traffic violator determination. A "handheld wireless communications device" is defined as a wireless telephone, personal digital assistant, pager, or text messaging device. This provision does not apply to a law enforcement officer or emergency medical services provider responding to an emergency or operating within the scope of the officer's or provider's employment. As of January 10, 2011, this bill is currently pending in the House Committee on Roads and Transportation.

### **IN S 141 – Wireless Devices While Driving**

Introduced January 5, 2011 by Sen. Lonnie Randolph (D), this bill relates to use of telecommunications devices while driving. The bill makes it a Class C infraction for a person to use a telecommunications device to transmit a text message or an electronic mail message while operating a moving motor vehicle. It defines telecommunications device as an electronic or a

digital telecommunications device, including a wireless telephone, personal digital assistant, pager, or text messaging device, and repeals the current definition of telecommunications device. The definition of “telecommunications device” does not exclude amateur radio devices. As of January 5, 2011, this bill was referred to the Senate Committee on Corrections, Criminal and Civil Matters, where it is currently pending.

#### **IN S 404 – Wireless Devices While Driving**

This bill was introduced January 11, 2011 by Sen. Timothy Lanane (D), relating to use of wireless devices while driving. The bill makes it a Class C infraction to use a handheld wireless communications device to transmit a text message or electronic mail message while operating a moving motor vehicle, and enhances the penalty for repeat offenses or if the offense results in serious bodily injury. It defines telecommunications device as an electronic or a digital telecommunications device, including a wireless telephone, personal digital assistant, pager, or text messaging device. As of January 11, 2011, this legislation is currently pending in the Senate Committee on Corrections, Criminal, and Civil Matters.

### **IOWA**

**There is no legislation to report at this time.**

### **KANSAS**

**There is no legislation to report at this time.**

### **KENTUCKY**

#### **KY H 136 – License Plates**

Introduced January 4, 2011 by Rep. Hubert Collins (D), relating to motor vehicle registration and fees. This bill provides that the secretary of the Transportation Cabinet shall promulgate administrative regulations under KRS Chapter 13A to establish additional rules to implement the issuance of special license plates issued under this chapter, including but not limited to ownership of an amateur radio operator license. As of January 5, 2011, the bill is pending in the House Committee on Transportation.

#### **KY H 187 – License Plates**

This bill was introduced January 5, 2011 by Rep. Tanya Pullin (D), relating to motor vehicle special license plates. The bill amends the Kentucky Revised Statutes to establish an initial fee of \$40 and a renewal fee of \$15 for “Amateur radio” license plates. As of January 6, 2011, the bill is pending in the House Committee on Military Affairs and Public Safety.

### **LOUISIANA**

**There is no legislation to report at this time.**

## MAINE

**There is no legislation to report at this time.**

## MARYLAND

### **MD H 196 – Wireless Devices While Driving**

This bill was introduced January 28, 2011 by Del. James Malone (D), relating to the use of wireless devices while driving. The bill prohibits a person from using a text messaging device to write, send, or read a text message or other electronic message while operating a motor vehicle. The bill repeals a provision of law that applies the text messaging prohibition to an operator of a motor vehicle only if the motor vehicle is in motion. As of January 28, 2011, this bill is currently pending in the House Committee on Environmental Matters.

### **MD H 221– Wireless Devices While Driving**

This bill was introduced January 28, 2011 by Del. James Malone (D), relating to the use of wireless devices while driving. The bill establishes that a specified prohibition against a minor using a wireless communication device while operating a motor vehicle does not apply to the use of a wireless communication device as a text messaging device. It also clarifies that a specified prohibition against a person using a text messaging device to write or send a text message while operating a motor vehicle under specified circumstances includes a prohibition against writing or sending an electronic message. As of January 28, 2011, this bill is currently pending in the House Committee on Environmental Matters.

### **MD H 222– Wireless Devices While Driving**

This bill was introduced January 28, 2011 by Del. James Malone (D), relating to the use of wireless devices while driving. This legislation repeals provisions of law that require enforcement as a secondary offense of specified violations involving the use of a wireless communication device while operating a motor vehicle, and provisions that apply prohibitions involving the use of a wireless communication device to specified operators of motor vehicles only if the motor vehicle is in motion. The bill provides that specified prohibitions apply only if the vehicle is in the travel portion of a roadway; etc. As of January 28, 2011, this bill is currently pending in the House Committee on Environmental Matters.

## MASSACHUSETTS

**There is no legislation to report at this time.**

## MICHIGAN

**There is no legislation to report at this time.**

## MINNESOTA

**There is no legislation to report at this time.**

## MISSISSIPPI

### **MS H 52 – Wireless Devices While Driving**

This bill was introduced January 4, 2011 by Rep. Billy Broomfield (D) prohibiting the use of wireless telephones or communications devices to engage in wireless interactive communication by a person operating a motor vehicle. For purposes of this legislation, "wireless telephone or electronic communication device" means a wireless interactive communication device with which a user may engage in a text-based communication using one (1) hand or both hands or by reading a text-based communication. The term does not include a hands-free wireless telephone or electronic communication device, a communication system installed in a commercial vehicle weighing greater than ten thousand (10,000) pounds, a Citizens' band radio, or a Citizens' band radio hybrid. There is no exemption for amateur radio communications. As of January 4, 2011, this bill is currently pending in the House.

### **MS H 551 – Wireless Devices While Driving**

This bill was introduced by Rep. Edward Blackmon (D) on January 10, 2011. The bill enacts "Nathan's Law", clarifying the offense of passing a school bus when stopped to load or unload students. The bill also prohibits the use of wireless communication devices by bus drivers. Exemptions exist for law enforcement and safety personnel, drivers of authorized emergency vehicles, and persons who are reporting reckless or negligent behavior or believe that the person or another person is in physical danger. The bill does not apply to drivers who send or receive written messages while the vehicle is parked, or for the use of a wireless communication device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response or E911 operator; a hospital, physician's office or health clinic; a provider of ambulance services; a provider of fire fighting services; or a law enforcement agency. As of January 17, 2011, this bill is currently pending in the House Committee on the Judiciary, Division A.

### **MS S 2114 – Wireless Devices While Driving**

Introduced January 4, 2011 by Sen. Billy Hudson (R), this bill limits use of cell phones and prohibits texting while driving. The bill prohibits the use of a cell phone to send or receive a text message or other written message while operating a motor vehicle. In addition, persons 18 years or older are prohibited from using a cell phone without a hands-free device while driving. Minors under 18 may not use a cell phone while driving either with or without a hands-free device. Exceptions include law enforcement and authorized public safety personnel, a person who is reporting reckless or negligent behavior or believes that he/she or another person is in physical danger, and persons who make calls or text messages while the vehicle is parked. As of January 4, 2011, this bill is currently pending in the Senate Committee on the Judiciary, Division B.

### **MS S 2472 – Wireless Devices While Driving**

Introduced January 13, 2011 by Sen. Chris McDaniel (R), relating to the use of wireless devices while driving. This bill clarifies the offense of passing a school bus when stopped to load or



unload students. The bill also prohibits the use of wireless communication devices by bus drivers. Exemptions exist for law enforcement and safety personnel, drivers of authorized emergency vehicles, and persons who are reporting reckless or negligent behavior or believe that the person or another person is in physical danger. The bill does not apply to drivers who send or receive written messages while the vehicle is parked, or for the use of a wireless communication device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response or E911 operator; a hospital, physician's office or health clinic; a provider of ambulance services; a provider of fire fighting services; or a law enforcement agency. As of January 25, 2011, this bill is currently pending in the Senate Committee on the Judiciary, Division A.

#### **MS S 2793 – Wireless Devices While Driving**

This bill was introduced January 17, 2011 by Sen. Kelvin Butler (D), prohibiting texting while driving by the holders of temporary and intermediate licenses. As of January 25, 2011, the bill was reported from the Senate Committee on the Judiciary, Division B with a recommendation that it pass. The bill is currently pending in the Senate.

### **MISSOURI**

#### **MO H 93 – Wireless Devices While Driving**

This bill was introduced January 5, 2011 by Rep. Tom Shively (D) and prohibits all persons from text messaging while driving a motor vehicle. The provisions of this bill do not apply to the use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service. As of January 5, 2011, this bill is currently pending in the House.

#### **MO H 306 – Wireless Devices While Driving**

This bill was introduced January 25, 2011 by Rep. Chuck Gatschenberger (R) relating to use of handheld wireless communications devices while driving. This legislation prohibits the use of any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging while operating a moving motor vehicle in a work or construction zone. The definition of “handheld wireless communications devices” does not apply to any device that is permanently embedded into the architecture and design of the motor vehicle. Exemptions to this provision exist for authorized emergency vehicles, and drivers who use the device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle. As of January 25, 2011, this bill is currently pending in the House.

#### **MO H 317 – Wireless Devices While Driving**

This bill was introduced January 26, 2011 by Rep. Michael Colona (D) banning all persons from texting or reading, sending, or receiving other electronic messages while driving. Exemptions to this provision exist for authorized emergency vehicles, and drivers who use the device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle. The bill prohibits enforcement of the ban as a

primary offense. The bill states that “nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a motor vehicle upon the highways of this state.” As of January 26, 2011, this bill is currently pending in the House.

#### **MO H 337 – Wireless Devices While Driving**

Introduced January 26, 2011 by Rep. Don Wells (R), this bill prohibits all drivers, regardless of age, from text messaging while operating a moving vehicle unless technology allowing for hands-free texting is utilized. Exemptions to this provision exist for authorized emergency vehicles, and drivers who use the device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle. The bill also specifically exempts “the use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.” As of January 26, 2011, this bill is currently pending in the House.

#### **MO S 11 – Wireless Devices While Driving**

Introduced January 5, 2011 by Sen. Ryan McKenna (D) relating to text messaging while driving. The bill provides that no person operating a moving motor vehicle upon the highways of the state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message. The provisions of this bill do not apply to the use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service. As of January 5, 2011, this bill is pending in the Senate.

### **MONTANA**

#### **MT H 171 – License Plates**

This bill was introduced January 5, 2011 by Rep. Pat Ingraham (R), requiring that the state department issue every five years a separate series of standard license plates for motor vehicles, motorcycles, quadricycles, travel trailers, trailers, semitrailers, and pole trailers registered or offered for sale by a licensed vehicle dealer, to replace previous standard license plates. For purposes of this legislation, amateur radio license plates are treated standard license plates. As of November 5, 2010, the pre-filed draft bill was in final draft review. As of January 27, 2011, this bill passed the House and was reported to the Senate Floor, where it is currently pending.

#### **MT S 49 – License Plates**

This bill was introduced December 9, 2010 by Sen. Gary Branae (D-27) and requires that the state department issue every five years a separate series of standard license plates for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and pole trailers registered or offered for sale by a licensed vehicle dealer, to replace previous standard license plates. For purposes of this legislation, amateur radio license plates are treated standard license plates. As of December 27, 2010, the bill was referred to the Senate Committee on Highways and Transportation. On January 12, 2011, the Committee passed the bill and reported it to the Senate Floor. On January 17, 2011, the Senate passed the bill and reported it to the House, where it is currently pending.

### **MT S 251 – Wireless Devices While Driving**

This bill was introduced January 31, 2011 by Sen. Christine Kaufmann (D), relating to distracted driving. The bill prohibits a person from operating a motor vehicle when the vehicle is in motion while using a hand-held mobile telephone to engage in a call or while using a mobile electronic device. For purposes of this bill, this provision does not apply to the use of two-way radios, audio equipment, or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seats of the motor vehicle. There is also an exemption for “a federally licensed amateur radio operator engaged in public service.” As of January 31, 2011, this bill was referred to the Senate Committee on Highways and Transportation, where it is currently pending.

### **NEBRASKA**

**There is no legislation to report at this time.**

### **NEVADA**

### **NV S 76 – Wireless Devices While Driving**

Pre-filed December 15, 2010 by the Senate Transportation Committee on behalf of the Nevada Department of Public Safety, prohibiting the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances. This bill makes it a crime for a person to manually type or enter text into a cellular telephone or other similar device, or to send or read data using any such device while operating a motor vehicle. It further prohibits a person from using such a device for voice communications unless the device is used with an accessory which allows the person to communicate without using his or her hands. The bill provides an exception to the prohibitions when the cellular telephone or other device is used by law enforcement officers and other emergency personnel who are acting within the course and scope of their employment, but does not exclude amateur radio licensees or amateur radio devices. As of December 15, 2010, this bill is currently pending in the Senate Committee on Transportation.

### **NEW HAMPSHIRE**

**There is no legislation to report at this time.**

### **NEW JERSEY**

### **NJ S 736 - Wireless Devices While Driving**

This bill was introduced January 12, 2010 by Senator Nicholas Sacco (D-32) prohibiting the use of any hand-held or hands-free wireless telephones or electronic communication devices by an operator of a moving passenger vehicle with an examination permit, except in cases of emergency. On November 15, 2010, this bill was amended by the Assembly Committee on Transportation, Public Works, and Independent Authorities and sent to the Assembly floor. As of

January 28, 2011, the bill passed the Assembly and was signed by the Governor, Chapter 2011-13.

#### **NJ S 2417 – Wireless Devices While Driving**

This bill was introduced on November 15, 2010 by Sen. Weinberg (D-NJ) prohibiting a person from talking on a cell phone or text messaging while operating a boat. Specifically, the bill makes it unlawful to use a hand-held or hands-free interactive wireless communication device while operating a vessel on the waters of the State. The bill makes an exception for emergencies. For purposes of this legislation, a wireless communication device does not include an amateur radio. As of November 15, 2010, this bill is pending in the Senate Committee on Law and Public Safety.

### **NEW MEXICO**

#### **NM H 197 – Wireless Devices While Driving**

This bill was introduced January 26, 2011 by Rep. Antonio Lujan (D) prohibiting texting while driving, and providing that texting while driving that results in death or great bodily harm is homicide by vehicle or great bodily harm by vehicle. As of January 26, 2011, the bill was referred to both the House Committee on Consumer and Public Affairs and the House Committee on the Judiciary, where it is currently pending.

#### **NM S 9 – Wireless Devices While Driving**

This bill was pre-filed December 15, 2010 and introduced January 18, 2011 by Sen. Peter Wirth (D) relating to requirements for licensing drivers under eighteen years of age. This bill establish the requirement of eighteen months of driving with a provisional license and provides for an additional thirty days of driving with an instruction permit or a provisional license for each traffic violation committed, including the use of mobile communication devices. For purposes of this bill, "mobile communication device" means a wireless communication device that is designed to receive and transmit voice, text or image communication. As of January 18, 2011, the bill was referred jointly to the Senate Committee on Corporations and Transportation and the Senate Committee on the Judiciary, where it is currently pending.

### **NEW YORK**

#### **NY H 1148 – Wireless Devices While Driving**

This bill was introduced January 5, 2011 by Asm. Felix Ortiz (D), prohibiting the use of a cellular or wireless telephone while operating a motor vehicle. As of January 5, 2011, this bill was referred to the Assembly Committee on Transportation, where it is currently pending.

#### **NY H 2661 – Wireless Devices While Driving**

This bill was introduced January 19, 2011 by Asm. Felix Ortiz (D), prohibiting the writing, sending, or reading of text messages on a mobile telephone while driving. As of January 19, 2011, this bill was referred to the Assembly Committee on Transportation, where it is currently pending.

## **NORTH CAROLINA**

**There is no legislation to report at this time.**

## **NORTH DAKOTA**

### **ND H 1190 – Wireless Devices While Driving**

Introduced January 10, 2011 by Rep. Dan Ruby (R), this bill relates to secondary enforcement of a distracted driving related to a moving violation. The bill prohibits the operator of a motor vehicle that is in motion or part of traffic from engaging in an activity that requires the use of the operator's sight unless that activity involves operating or using the whole motor vehicle or a built-in accessory. The operator may use an electronic device that transmits data automatically and does not require direct initiation by the operator, a voice-operated device, or a navigational system or may use an electronic device to obtain emergency assistance; report a crime; or report a traffic offense, hazard, or accident. The bill states that a law enforcement officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the operator of the motor vehicle for another violation. Operators' license demerit points may not be assessed against any person for a violation of this section. As of January 10, 2011, this bill was referred to the House Committee on Transportation, where it is currently pending.

### **ND H 1195 – Wireless Devices While Driving**

This bill was introduced January 10, 2011 by Rep. Lawrence Klemin (R) prohibiting the use of wireless communications devices to read, send, or receive electronic messages while driving as a part of traffic. This provision does not apply to reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call; inputting, selecting, or reading information on a global positioning system device or other navigation system device; using a device capable of performing multiple functions, such as fleet management systems, dispatching devices, smart phones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited; voice or other data transmitted as a result of making a telephone or cellular phone call; or data transmitted automatically by a wireless communication device without direct initiation by an individual. As of January 10, 2011, this bill was referred to the House Committee on Transportation, where it is currently pending.

### **ND H 1256 – Wireless Devices While Driving**

This bill was introduced January 10, 2011 by Rep. George Keiser (R), prohibiting drivers possessing a Class D License with intermediate restrictions may not use an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger. As of January 10, 2011,

this bill was referred to the House Committee on Transportation, where it is currently pending.

## **OHIO**

**There is no legislation to report at this time.**

## **OKLAHOMA**

### **OK H 1340 – Wireless Devices While Driving**

This bill was pre-filed January 20, 2011 by Rep. Brian Renegar (D), relating to motor vehicles. The bill provides that a person shall not operate a motor vehicle on the public streets or highways of this state while using a cellular telephone or a wireless electronic communication device to converse with another person, write, send, or read a text-based communication while the motor vehicle is in motion. An exemption exists for a person who is operating an amateur radio and who holds a current, valid amateur radio station license issued by the Federal Communications Commission. As of January 20, 2011, this bill is awaiting introduction in the House.

### **OK S 146 – Wireless Devices While Driving**

This bill was pre-filed on January 6, 2011 by Sen. Jerry Ellis (D), relating to use of wireless communications devices while driving. The bill provides that no person shall operate a motor vehicle upon a public road or highway while using a wireless telecommunication device to write, send, or read a text-based communication. A person shall not be deemed to be writing, reading, or sending a text message if the person reads, selects, or enters a telephone number or name in a wireless telecommunication device for the purpose of making a telephone call. For purposes of this bill, "wireless telecommunication device" means a cellular telephone, a text-messaging device, a personal digital assistant, a stand alone computer, or any other substantially similar wireless device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input. A wireless telecommunication device shall not include any device or component that is permanently affixed to a motor vehicle. It does not include citizens band radios, citizens band radio hybrids, commercial two-way radio communication devices, or electronic communication devices with a push-to-talk function. As of January 6, 2011, this bill was pre-filed and is awaiting introduction in the Senate.

## **OREGON**

### **OR H 2507 – Wireless Devices While Driving**

This bill was introduced January 11, 2011 by Rep. Bruce Hanna (R), relating to use of a mobile communications device while driving. This bill permits a person to use mobile communication device while operating motor vehicle in frontier counties, and directs the Department of Transportation to post on its website names of counties that qualify as frontier counties. The bill exempts a person who holds a valid amateur radio operator license issued or any other license issued by the Federal Communications Commission and is operating an amateur radio from the prohibition on using a mobile communications device while driving. As of January 21, 2011, this

bill was referred to the House Committee on Transportation and Economic Development, where it is currently pending.

#### **OR S 407 – Wireless Devices While Driving**

This bill was introduced January 10, 2011 by Sen. Peter Courtney (D), relating to use of a mobile communications device while driving. The bill removes an exception for a person operating a motor vehicle in scope of person's employment from offense of operating motor vehicle while using mobile communication device. This provision does not apply to a person who holds a valid amateur radio operator license issued or any other license issued by the Federal Communications Commission and is operating an amateur radio. As of January 14, 2011, this bill was referred to the Senate Committee on the Judiciary, where it is currently pending.

### **PENNSYLVANIA**

#### **PA H 8 – Wireless Devices While Driving**

This bill was introduced January 19, 2011 by Rep. Katharine Watson (R), relating to use of wireless communications devices while driving. The bill prohibits any person from operating a motor vehicle on any public road or highway of this Commonwealth while using an interactive wireless communication device to write, send or read any text- based communication, including, but not limited to, a text message, instant message, electronic mail or Internet data. For purposes of this legislation, a person does not send, read or write a text message when the person reads, selects or enters a phone number or name in an interactive wireless communication device for the purpose of making a phone call. The bill defines an “interactive wireless communication device” as a wireless telephone, personal digital assistant, smart phone, portable or mobile computer or similar device which can be used for voice communication, texting, e-mailing, browsing the Internet or instant messaging. The term does not include a device being used exclusively as a global positioning or navigation system, a system or device that is physically or electronically integrated into the vehicle, or a communication device that is affixed to a mass transit vehicle, bus or school bus. As of January 19, 2011, this bill was referred to the House Committee on Transportation, where it is currently pending.

#### **PA H 146 – Wireless Devices While Driving**

This bill was introduced January 21, 2011 by Rep. Bill Kortz (D). The bill prohibits the use of interactive wireless communications devices while driving in work zones. This provision does not apply to law enforcement officers and operators of emergency vehicles when on duty and acting in their official capacities, persons who are reporting an accident or emergency, or drivers who are using a hands-free interactive wireless communications device. For purposes of this bill, “interactive wireless communications device” is defined as a wireless electronic communications device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages or a laptop computer. The term does not include a citizens band radio, a two-way radio communication device or a device that is permanently affixed during operation to a bus or school bus. As of January 21, 2011, the bill was referred to the House Committee on Transportation, where it is currently pending.

#### **PA H 189 – Wireless Devices While Driving**

This bill was introduced January 24, 2011 by Rep. Eugene DePasquale (D), relating to use of wireless devices while driving. The bill prohibits the operation of a motor vehicle upon a public highway while using an electronic wireless communications device to send, read or write a text message while the vehicle is in motion. This provision does not apply to the use of an electronic wireless communications device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office or health clinic; an ambulance company or corps; a fire department, district or company; or a police department; or any of the following persons while in the performance of their official duties: a police officer or peace officer; or a member of a fire department, district or company. The term "electronic wireless communications device" is defined as an electronic device that permits the user thereof to transmit a communication of written text by means other than through an oral transfer or wire communication as those terms are defined under 18 Pa.C.S. Section 5702 (relating to definitions). The term does not include a voice-activated global positioning or navigation system that is permanently affixed to a motor vehicle. As of January 24, 2011, this bill was referred to the House Committee on Transportation, where it is currently pending.

### **PA H 330 – Wireless Devices While Driving**

Introduced January 31, 2011 by Rep. Josh Shapiro (D), this bill relates to use of wireless communications devices while driving. The bill prohibits a person from driving a motor vehicle upon a roadway or trafficway while using an interactive wireless communication device for a purpose other than: voice communication through the use of an interactive wireless communications device while in hands-free mode; reading, selecting or entering a telephone number or name into an interactive wireless communication device for the purpose of voice communication; or utilizing a global positioning or navigation system. In addition, the bill states that no person with a learner's permit or junior driver's license shall drive a motor vehicle upon a roadway or trafficway while using an interactive wireless communication device. Exceptions include: a driver using an interactive wireless communication device to contact a 911 system or wireless E-911 service; a driver using an interactive wireless communication device when the vehicle is stopped due to a traffic obstruction and the motor vehicle transmission is in neutral or park; operators of emergency vehicles who use an interactive wireless communications device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties; or volunteer emergency responders who use an interactive wireless communications device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties. For purposes of this bill, "interactive wireless communication device" is defined as a wireless telephone, personal digital assistant, smart phone, portable or mobile computer, or similar device which can be used for voice communication, texting, e-mailing, browsing the Internet or instant messaging. The term does not include a device being used exclusively as a global positioning or navigation system or a system or device that is physically or electronically integrated into the vehicle. As of January 31, 2011, this bill was referred to the House Committee on Transportation, where it is currently pending.

### **PA S 314 – Wireless Devices While Driving**

This bill was introduced January 28, 2011 by Sen. Robert Tomlinson (R), prohibiting use of electronic wireless communications devices while operating motor vehicles. The bill provides that no person shall operate a motor vehicle upon a public highway and use an electronic wireless communications device to send, read or write a text message while the vehicle is in motion. A conviction or detainment under this subsection by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been detained or convicted



of any other provision of this title. This does not apply to a person operating an emergency vehicle, or while in the performance of their official duties: a police officer, peace officer or coroner, or a member of a fire department, district or company. For purposes of this legislation, "electronic wireless communications device" is defined as a handheld electronic device that permits the user to send or receive electronic communications but excludes a voice-activated global positioning or navigation system affixed to the vehicle. A "text message" is defined as a message consisting of words typed or entered on a keypad of the electronic wireless communication device and sent electronically. As of January 28, 2011, this bill was referred to the Senate Committee on Transportation, where it is currently pending.

## **RHODE ISLAND**

**There is no legislation to report at this time.**

## **SOUTH CAROLINA**

### **SC H 3119 – Wireless Devices While Driving**

This bill was pre-filed December 7, 2010 and introduced January 11, 2011 by Rep. Joseph McEachern (D), providing that it is unlawful for certain persons who are operating a motor vehicle or school bus to use a text messaging device or a hand-held mobile telephone. For purposes of this legislation, "text messaging device" means an electronic wireless communications device used to manually type, send or read a written communication, including without limitation a text message or an electronic message, or electronic mail, but does not include a device that is physically or electronically integrated into the vehicle's architecture. A person may not use a text messaging device to read, or to manually write or send, a written communication, including without limitation text message, or electronic mail while operating a motor vehicle in motion or in the travel portion of the roadway. This bill excludes from this prohibition two-way mobile radio transmitters or receivers used by licensees of the Federal Communications Commission in the amateur Radio Service when assisting with public safety, emergency, and disaster communications. As of January 11, 2011, this bill was referred to the House Committee on Education and Public Works, where it is currently pending.

### **SC H 3160 – Wireless Devices While Driving**

Pre-filed December 7, 2010 and introduced January 11, 2011 by Rep. Bakari T. Sellers (D), relating to the schedule of points assigned to various traffic violations. This bill amends the Code of Laws of South Carolina, 1976, to provide that using a handheld wireless communications device while driving is a two point violation. As of January 11, 2011, this bill is currently pending in the House Committee on Education and Public Works.

### **SC S 225 – Wireless Devices While Driving**

This bill was pre-filed December 8, 2010 and introduced January 11, 2011 by Sen. John Knotts (R), relating to use of a wireless communication device while driving. The bill amends the Code of Laws of South Carolina, 1976, to make it unlawful to use a wireless communication device to

compose, send, or read a text-based communication and provides for penalties and assessment of points against a person's driving record. For purposes of this legislation, a "wireless electronic communication device" means an electronic device that allows a person to wirelessly communicate with another person, including, but not limited to, a mobile telephone, a personal digital assistant, a text messaging device, or a computer. The bill provides that violation of the provision prohibiting use of a wireless communication device is a one (1) point violation. As of January 11, 2011, this bill is pending in the Senate Committee on the Judiciary.

## **SOUTH DAKOTA**

### **SD S 71 – Wireless Devices While Driving**

Introduced January 21, 2011 by Sen. Craig Tieszen (R), this bill prohibits the use of a handheld electronic wireless communication device to write, send, or read a text-based communication while operating a motor vehicle on a highway. Exceptions exist for a person who is using a handheld electronic wireless communication device while the vehicle is lawfully parked, to contact an emergency response vehicle, to write, read, select, or enter a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call, or when using voice operated or hands free technology. For purposes of this bill, "electronic wireless communication device" is a mobile communication device that uses short-wave analog or digital radio transmissions or satellite transmissions between the device and a transmitter to permit wireless telephone communications to and from the user of the device within a specified area. As of January 21, 2011, this bill was referred to the Senate Committee on the Judiciary, where it is currently pending.

### **SD S 115 – Wireless Devices While Driving**

This bill was introduced January 25, 2011 by Sen. Standord Adelstein (R) to prohibit the use of certain wireless communication devices while driving. The bill provides that no person may operate a motor vehicle while using a wireless communications device to compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic. This provision does not apply if does not apply if a wireless communications device is used: solely in a voice-activated or other hands-free mode; for making a cellular phone call; for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed; in the reasonable belief that a person's life or safety is in immediate danger; or in an authorized emergency vehicle while in the performance of official duties. For purposes of this bill, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes e-mail, a text message, an instant message, a command or request to access an internet page, or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person. As of January 25, 2011, this bill was referred to the Senate Committee on the Judiciary, where it is currently pending.

## **TENNESSEE**

**There is no legislation to report at this time.**

## **TEXAS**

### **TX H 37 - Wireless Devices While Driving**

This bill was pre-filed on November 8, 2010 and introduced on January 11, 2011 by Rep. Jose Menendez (D-124) prohibiting the use of wireless communication devices while operating a motor vehicle, and to provide for penalties. Exemptions are allowed for operators in parked vehicles, those using hands-free devices, and those making emergency communications by phone or text message. As of January 11, 2011, it is currently pending in the House.

### **TX H 93 - Wireless Devices While Driving**

This bill was pre-filed on November 8, 2010 and introduced on January 11, 2011 by Rep. Byron Cook (R-8) prohibiting the use of wireless communication devices while operating a motor vehicle, and to provide for penalties. Exemptions are allowed for operators using a wireless communication device that is permanently installed in the vehicle; is used while the vehicle is stopped; is used to engage in, dial, or deactivate a phone call; is used with a hands-free device; or is used to report suspicious or criminal activities to a law enforcement agency. This legislation creates a penalty for prohibited use of a wireless communications device while driving in a school crossing zone. As of January 11, 2011, it is currently pending in the House.

### **TX H 103 - Wireless Devices While Driving**

This bill was pre-filed on November 8, 2010 and introduced January 11, 2011 by Rep. Trey Martinez Fischer (D-116) prohibiting the use of wireless communication devices while operating a passenger bus with a minor passenger on board. Exemptions are allowed for operators engaging in wireless communications: in a case of emergency; in a stopped vehicle; made by a peace officer or emergency response provider; or made in connection with official duties. This legislation creates a penalty for prohibited use of a wireless communications device while driving in a school crossing zone. As of January 11, 2011, it is currently pending in the House.

### **TX H 105 - Wireless Devices While Driving**

This bill was pre-filed on November 8, 2010 and introduced on January 11, 2011 by Rep. Betty Brown (R-4) prohibiting the use of wireless communication devices while operating a motor vehicle, and to provide for penalties. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. As of January 11, 2011, it is currently pending in the House.

### **TX H 243 - Wireless Devices While Driving**

This bill was pre-filed on November 10, 2010 and introduced on January 11, 2011 by Rep. Tom Craddick (R-82) prohibiting the use of wireless communication devices, and to provide for penalties. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. As of January 11, 2011, it is currently pending in the House.

### **TX H 287 - Wireless Devices While Driving**

This bill was pre-filed on November 15, 2010 and introduced on January 11, 2011 by Rep. Eddie Lucio III (D-382) prohibiting the use of wireless communication devices, and to provide for

penalties. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. As of January 11, 2011, it is currently pending in the House.

#### **TX H 288 - Wireless Devices While Driving**

This bill was pre-filed on November 15, 2010 and introduced on January 11, 2011 by Rep. Eddie Lucio III (D-382) prohibiting the use of wireless communication devices while operating a vehicle that is used to transport clients of business or public entities that owns or leases the vehicle, including a vehicle that is owned or leased by an licensed health care institution or facility, or an entity that provides special transportation services to persons who are disabled or elderly. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. As of January 11, 2011, it is currently pending in the House.

#### **TX H 676 - Wireless Devices While Driving**

This bill was introduced January 14, 2011 by Rep. Rep. Eddie Lucio III (D-382) prohibiting a driver from using a wireless communication device while operating a motor vehicle within a school crossing zone. This does not apply to a driver when the vehicle is stopped or the wireless communication device is used with a hands-free device. As of January 14, 2011, this bill is pending in the House.

#### **TX S 46 - Wireless Devices While Driving**

This bill was pre-filed on November 8, 2010 and introduced on January 11, 2011 by Sen. Judith Zaffirini (D-21) prohibiting the use of wireless communication devices to read, write, or send a text message, instant message, or email while operating a vehicle. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. As of January 31, 2011, it was referred to the Senate Committee on Transportation and Homeland Security, where it is currently pending.

#### **TX S 119 - Wireless Devices While Driving**

This bill was pre-filed on November 8, 2010 and introduced on January 11, 2011 by Sen. Carlos Uresti (D-19) prohibiting the use of wireless communication devices to read, write, or send a text-based communication while operating a vehicle. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. As of January 31, 2011, it was referred to the Senate Committee on Transportation and Homeland Security, where it is currently pending.

#### **TX S 138 - Wireless Devices While Driving**

This bill was pre-filed on November 8, 2010 and introduced on January 11, 2011 by Sen. Jeff Wentworth (R-25) prohibiting the use of a wireless communication device while operating a vehicle. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped, using a wireless communication device with a hands-free device, making an emergency call. This legislation also exempts an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity, or a person licensed by the Federal Communications Commission to operate a radio frequency

device or wireless communication device. As of January 31, 2011, it was referred to the Senate Committee on Transportation and Homeland Security, where it is currently pending.

## **UTAH**

### **UT S 29 – Wireless Devices While Driving**

Introduced December 27, 2010 by Sen. Kevin Van Tassell (R), this bill modifies the Uniform Driver License Act by amending provisions relating to driver licenses. Under a provision of this bill, upon a conviction for a violation of the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the convicted person's license for a period of three months. As of December 27, 2010, this bill is pending in the Senate.

### **UT S 45 – Wireless Devices While Driving**

This bill was introduced January 25, 2011 by Sen. Ross Romero (D), prohibiting a person younger than 18 years of age from using a wireless telephone while operating a motor vehicle. This prohibition does not apply during a medical emergency, when reporting a safety hazard or requesting assistance relating to a safety hazard, when reporting a criminal activity or requesting assistance relating to a criminal activity, or when communicating with a parent or legal guardian. As of January 26, 2011, this bill was referred to the Senate Committee on Rules, where it is currently pending.

## **VIRGINIA**

### **VA H 1404 – Wireless Devices While Driving**

This bill was introduced January 12, 2011 by Del. Algie Howell (D), relating to use of handheld personal communications devices while driving. This legislation prohibits any use of a handheld personal communications device while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth and makes such use a primary offense. This does not apply to an operator of any emergency vehicle, a operator who is lawfully parked or stopped, the use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system, any person using a handheld personal communications device to report an emergency; or the use of two-way radio devices. As of January 12, 2011, this bill was referred to the House Committee on Militia, Police, and Public Safety, where it is currently pending.

### **VA H 1424 – Wireless Devices While Driving**

Introduced January 12, 2011 by Del. Rosalyn Dance (D), this bill extends prohibition on the use of wireless telecommunications devices in motor vehicles to talking on such device only when the device is configured for hands free operation and is being used in the hands free mode. This does not apply to an operator of any emergency vehicle, a operator who is lawfully parked or stopped, the use of factory-installed or aftermarket global positioning systems (GPS) or wireless

communications devices used to transmit or receive data as part of a digital dispatch system, any person using a handheld personal communications device to report an emergency; or the use of two-way radio devices. As of January 12, 2011, this bill was referred to the House Committee on Militia, Police, and Public Safety, where it is currently pending.

#### **VA H 1546 – Wireless Devices While Driving**

This bill was introduced January 12, 2011 by Del. L. Kaye Korey (D), relating to use of handheld personal communications devices in motor vehicles. The bill provides that it shall be unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to: manually enter multiple letters or text in the device as a means of communicating with another person; or read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information. The provisions of this section shall not apply to: the operator of any emergency vehicle; an operator who is lawfully parked or stopped; the use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or any person using a handheld personal communications device to report an emergency. As of January 12, 2011, this bill was referred to the House Committee on Militia, Police, and Public Safety, where it is currently pending.

#### **VA H 1630 – Wireless Devices While Driving**

Introduced January 12, 2011 by Del. Vivian Watts (D), this bill prohibits operation of a motor vehicle while using a cell phone or other wireless telecommunications device, other than a citizens band radio, in any manner. The provisions of this bill do not apply to: the operator of any emergency vehicle; an operator who is lawfully parked or stopped; the use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; any person using a handheld personal communications cellular telephone or other wireless telecommunications device to report an emergency; or the use of two-way citizens band radio devices. As of January 12, 2011, this bill was referred to the House Committee on Militia, Police, and Public Safety, where it is currently pending.

#### **VA H 1489 – Wireless Devices While Driving**

This bill was pre-filed December 13, 2010 and introduced January 12, 2011 by Del. Lionell Spruell (D), relating to use of handheld personal communications devices while driving. The bill prohibits drivers from using any handheld personal communication device to manually enter multiple letters or text in the device as a means of communicating with another person or read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information. There is an exception for emergency vehicle operators, drivers who are lawfully parked or stopped, a person using a GPS or wireless communications device to transmit or receive data as part of a digital dispatch system, and a person reporting an emergency. As of January 12, 2011, this bill is pending in the House Committee on .

#### **VA H 2307 – Wireless Devices While Driving**

This bill was introduced January 12, 2011 by Del. Mark Sickles (D), relating to texting while driving. The bill provides that it shall be unlawful for any person to operate a moving motor

vehicle on the highways in the Commonwealth while using any handheld personal communications device to: manually enter multiple letters or text in the device as a means of communicating with another person; or read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information. The bill exempts the operator of any emergency vehicle, an operator who is lawfully parked or stopped, the use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system, or any person using a handheld personal communications device to report an emergency. As of January 12, 2011, this bill was referred to the House Committee on Militia, Police, and Public Safety, where it is currently pending.

#### **VA S 1042 – Wireless Devices While Driving**

This bill was introduced January 12, 2011 by Sen. George Barker (D), relating to texting while driving. The bill provides that it shall be unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to: manually enter multiple letters or text in the device as a means of communicating with another person, or read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information. The bill does not apply to the operator of any emergency vehicle, an operator who is lawfully parked or stopped, the use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system, or any person using a handheld personal communications device to report an emergency. As of January 20, 2011, this bill was referred to the Senate Committee on Courts of Justice, where it is currently pending.

#### **VA S 1047 – Wireless Devices While Driving**

Introduced January 12, 2011 by Sen. George Barker (D), this bill makes the use of any cellular telephone or any other wireless telecommunications device by a provisional driver's license holder a primary offense, regardless of whether such device is or is not hand-held. This legislation provides an exception in a driver emergency or when the vehicle is lawfully parked or stopped. As of January 20, 2011, this bill was referred to the Senate Committee on Transportation, which recommended that it be re-referred to the Senate Committee on Courts of Justice, where it is currently pending.

#### **VA S 1351 – Wireless Devices While Driving**

This bill was introduced January 12, 2011 by Sen. Thomas Norment (R), extending prohibition on use of wireless telecommunications devices in motor vehicles to initiating or answering a call on such device, unless the device is configured for hands-free operation and is being used in the hands-free mode. The bill provides that it shall be unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications wireless telecommunications device to: initiate or answer any call or talk on the device unless the device is configured for hands-free operation and is being used in the hands-free mode, manually enter multiple letters or text in the device as a means of communicating with another person, or read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information. This does not apply to the operator of any emergency

vehicle, an operator who is lawfully parked or stopped, the use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system, any person using a handheld personal communications wireless telecommunications device to report an emergency, or the use of two-way radio devices. As of January 12, 2011, this bill was referred to the Senate Committee on Transportation, where it is currently pending.

### **VERMONT**

**There is no legislation to report at this time.**

### **WASHINGTON**

**There is no legislation to report at this time.**

### **WEST VIRGINIA**

#### **WV H 2110 – Wireless Devices While Driving**

This bill was introduced on January 12, 2011 by Rep. William Romine (R), relating to drivers licenses. The bill provides that a holder of a level one or level two instruction permit who is under the age of eighteen years may not use a wireless communication device while operating a motor vehicle, unless the use of the wireless communication device is for contacting a 9-1-1 system. A law-enforcement officer may enforce the provisions of this paragraph only as a secondary action when a law-enforcement officer with probable cause detains a driver for a suspected violation of another provision of this code. As of January 12, 2011, the bill was referred to the Houser Committee on Roads and Transportation, where it is currently pending.

#### **WV H 2555 – Wireless Devices While Driving**

Introduced on January 12, 2011 by Rep. Dale Martin (D), this bill establishes the misdemeanor offense of operating a motor vehicle while sending, reading or receiving a text message. As of January 28, 2011, this bill was referred to the House Committee on Roads and Transportation, which reported the bill with the note “do pass as amended” and re-referred it to the House Committee on the Judiciary, where it is currently pending.

#### **WV S 209 – Wireless Devices While Driving**

This bill was introduced January 19, 2011 by Sen. John Unger (D), creating the misdemeanor offense of operating a motor vehicle while texting. As of January 19, 2011, the bill was referred to the Senate Committee on Transportation and Infrastructure, where it is currently pending.

#### **WV S 260 – Wireless Devices While Driving**

This bill was introduced January 25, 2011 by Sen. Robert Beach (D), relating to establishing the offense of unlawful use of a wireless communication device while operating a motor vehicle on a street or highway. The bill provides that it is unlawful for any driver while operating a motor vehicle on the roads or highways to manually type or enter multiple letters, numbers, symbols or



other text in a wireless communication device, or send or read data in the device, for the purpose of nonvoice interpersonal communication, including texting, emailing and instant messaging. As defined in this legislation, “texting” means manually entering alphanumeric text into or reading text from an electronic device. Texting includes but is not limited to short message service, e-mailing, instant messaging, a command or request to enter a world-wide web page, or engaging in any other form of electronic text retrieval or entry for present or future communication. Texting does not include reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone call or using voice commands to initiate or receive a telephone call; inputting, selecting or reading information on a global positioning system or navigation system; or using a device capable of performing multiple functions such as fleet management systems, dispatching devices, smart phones, citizen band radios or music players for a purpose that is otherwise not prohibited in this section. For the purposes of this bill, “electronic devices” include but are not limited to, a cellular telephone, personal digital assistant, pager, computer, or any device used to input, write, send, receive or read text. As of January 25, 2011, the bill was referred to the Senate Committee on Transportation and Infrastructure, where it is currently pending.

#### **WISCONSIN**

**There is no legislation to report at this time.**

#### **WYOMING**

**There is no legislation to report at this time.**