

Prohibiting the Use of a Cell Phone by a Person Who Only Holds a Driver's Instruction Permit

This Act prohibits a person driving under an instruction permit from using a cellular phone or other mobile communication device while driving. Under the Act, a violation would be considered a "secondary" offense and law enforcement officers would be prohibited from citing a driver for using a cellular phone while driving unless the driver was stopped for another alleged violation. The bill also provides exceptions for reporting emergencies.

Submitted as:

Colorado

HB 05-1137

Status: Enacted into law in 2005.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as "An Act Concerning the Regulation of
2 the Use of Mobile Communication Devices by Permitted Drivers in Motor Vehicles."
3

4 Section 2. [*Definitions.*]

5 (1) As used in this section, unless the context otherwise requires:

6 (a) "Emergency" means a situation in which a person:

7 (i) Has reason to fear for such person's life or safety, or believes that a
8 criminal act may be perpetrated against such person or another person requiring the use of a
9 mobile communication device while the car is moving; or

10 (ii) Reports a fire, a traffic accident in which one or more injuries are
11 apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is
12 driving in a reckless, careless, or otherwise unsafe manner.

13 (b) Mobile communication device" means a cellular telephone or other device that
14 enables a person in a motor vehicle to transmit and receive audio signals to and from a person or
15 audio recording device located outside the motor vehicle.

16 (2) No person who holds a temporary instruction permit or a minor's instruction permit
17 pursuant to [insert citation] shall use a mobile communication device while operating a motor
18 vehicle. This section shall not apply to a person who is using the mobile communication device:

19 (a) To contact a public safety entity;

20 (b) While the vehicle is lawfully parked; or

21 (c) During an emergency.

22 (3) Any person who operates a motor vehicle in violation of this section commits a
23 [Class A traffic infraction] as defined in [insert citation].

24 (4) An operator of a motor vehicle shall not be cited for a violation of this section unless
25 such operator was stopped by a law enforcement officer for an alleged violation of other than a
26 violation of this section.
27

28 Section 3. [*Severability.*] [Insert severability clause.]

29 Section 4. [*Repealer.*] [Insert repealer clause.]

30 Section 5. [*Effective Date.*] [Insert effective date.]
31
32