65th Legislature

1	HOUSE BILL NO. 180
2	INTRODUCED BY D. LOGE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING USE OF INTERACTIVE WIRELESS
5	COMMUNICATION DEVICES IN SCHOOL ZONES OR WORK ZONES; PROVIDING DEFINITIONS;
6	PROVIDING A PENALTY; AND AMENDING SECTION 61-8-715, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	
10	NEW SECTION. Section 1. Prohibition on interactive wireless communication device in school
11	zone or work zone penalties definition. (1) A person may not use an interactive wireless communication
12	device while operating a motor vehicle in a school zone or a work zone, as defined in 61-8-314.
13	(2) This section does not apply to:
14	(a) law enforcement personnel or drivers of authorized emergency vehicles when on duty and acting in
15	their official capacities;
16	(b) a person reporting an accident or emergency; or
17	(c) a person using a hands-free interactive wireless communication device while driving.
18	(3) A person who is convicted of an offense of using an interactive wireless communication device in a
19	school zone or a work zone is subject to the penalties of 61-8-715.
20	(4) As used in this section, the following definitions apply:
21	(a) "Hands-free interactive wireless communication device" means an interactive wireless communication
22	device that has an internal feature or is equipped with an attachment or addition by which a user engages in a
23	voice or data communication without the use of either hand and regardless of whether either hand is used to
24	activate, deactivate, or initiate a function of the device.
25	(b) "Interactive wireless communication device" means a wireless electronic communication device that
26	provides for voice or data communication between two or more parties, including but not limited to a mobile or
27	cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, or a
28	laptop computer. The term does not include a citizens band radio, a two-way radio communication device, or a
29	device that is permanently affixed to a bus or school bus.
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Legislative Services Division

65th Legislature

HB0180.01

1	Section 2. Section 61-8-715, MCA, is amended to read:
2	"61-8-715. Reckless driving reckless endangerment of highway workers use of interactive
3	wireless communication device penalty. (1) Except as provided in subsection (2), a person convicted of
4	reckless driving under 61-8-301(1)(a) or (1)(b), or convicted of reckless endangerment of a highway worker under
5	61-8-301(4), or use of an interactive wireless communication device in a school zone or a work zone under
6	[section 1] shall be punished upon a first conviction by imprisonment for a term of not more than 90 days, a fine
7	of not less than \$25 or more than \$300, or both. On a second or subsequent conviction, the person shall be
8	punished by imprisonment for a term of not less than 10 days or more than 6 months, a fine of not less than \$50
9	or more than \$500, or both.
10	(2) A person who is convicted of reckless driving under 61-8-301 and whose offense results in the death
11	or serious bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000,
12	incarceration for a term not to exceed 1 year, or both."
13	
14	NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
15	integral part of Title 61, chapter 8, and the provisions of Title 61, chapter 8, apply to [section 1].
16	- END -

