

HOUSE BILL NO. 180

INTRODUCED BY D. LOGE, D. ANKNEY

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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."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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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; OR
- 18 (D) A PERSON AUTHORIZED BY THE DEPARTMENT OF TRANSPORTATION, A LOCAL AUTHORITY, UTILITY COMPANY,
- 19 OR PRIVATE CONTRACTOR TO BE IN THE WORK ZONE.

20 (3) A person who is convicted of an offense of using an interactive wireless communication device in a

21 school zone or a work zone is subject to the penalties of 61-8-715.

- 22 (4) As used in this section, the following definitions apply:
- 23 (a) "Hands-free interactive wireless communication device" means an interactive wireless communication
- 24 device that has an internal feature or is equipped with an attachment or addition by which a user engages in a
- 25 voice or data communication without the use of either hand and regardless of whether either hand is used to
- 26 activate, deactivate, or initiate a function of the device.

27 (b) "Interactive wireless communication device" means a wireless electronic communication device that

28 provides for voice or data communication between two or more parties, including but not limited to a mobile or

29 cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, or a

30 laptop computer. The term does not include a citizens band radio, a two-way radio communication device, or a

1 device that is permanently affixed to a bus or school bus.

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3 **Section 2.** Section 61-8-715, MCA, is amended to read:

4 **"61-8-715. Reckless driving -- reckless endangerment of highway workers -- use of interactive**
 5 **wireless communication device -- penalty.** (1) Except as provided in subsection (2), a person convicted of
 6 reckless driving under 61-8-301(1)(a) or (1)(b), ~~or convicted of reckless endangerment of a highway worker under~~
 7 ~~61-8-301(4), or use of an interactive wireless communication device in a school zone or a work zone under~~
 8 ~~[section 1]~~ shall be punished upon a first conviction by imprisonment for a term of not more than 90 days, a fine
 9 of not less than \$25 or more than \$300, or both. On a second or subsequent conviction, the person shall be
 10 punished by imprisonment for a term of not less than 10 days or more than 6 months, a fine of not less than \$50
 11 or more than \$500, or both.

12 (2) A person who is convicted of reckless driving under 61-8-301 and whose offense results in the death
 13 or serious bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000,
 14 incarceration for a term not to exceed 1 year, or both."

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16 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
 17 integral part of Title 61, chapter 8, and the provisions of Title 61, chapter 8, apply to [section 1].

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