

HOUSE BILL NO. 242

INTRODUCED BY D. LOGE

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING USE OF INTERACTIVE WIRELESS COMMUNICATION DEVICES IN WORK ZONES; PROVIDING DEFINITIONS; AND PROVIDING A PENALTY."

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

NEW SECTION. Section 1. Prohibition on interactive wireless communication device in work zone

-- penalties -- definition. (1) A person may not use an interactive wireless communication device while operating a motor vehicle in a work zone, as defined in 61-8-314.

(2) This section does not apply to:

(a) law enforcement personnel or drivers of authorized emergency vehicles when on duty and acting in their official capacities;

(b) a person reporting an accident or emergency;

(c) a person using a hands-free interactive wireless communication device while driving;

(d) a person authorized by the department of transportation, a local authority, utility company, or private contractor to be in the work zone; or

(e) a person waiting in line at a complete stop for construction delays at flagger stations or other work zone traffic signals.

(3) A person who is convicted of an offense of using an interactive wireless communication device in a work zone is subject to the penalties provided in 61-8-711.

(4) As used in this section, the following definitions apply:

(a) "Hands-free interactive wireless communication device" means an interactive wireless communication device that has an internal feature or is equipped with an attachment or addition by which a user engages in a voice or data communication without the use of either hand and regardless of whether either hand is used to activate, deactivate, or initiate a function of the device.

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

1 laptop computer. The term does not include a citizens band radio, a two-way radio communication device, or a
2 device that is permanently affixed to a bus or school bus.

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4 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
5 integral part of Title 61, chapter 8, and the provisions of Title 61, chapter 8, apply to [section 1].

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