

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING USE OF INTERACTIVE WIRELESS
5 COMMUNICATION DEVICES IN WORK ZONES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8
9 NEW SECTION. **Section 1. Prohibition on interactive wireless communication device in work**
10 **zone -- penalties -- definition.** (1) A person may not use an interactive wireless communication device while
11 operating a motor vehicle in a work zone, as defined in 61-8-314, while workers are present.

12 (2) This section does not apply to:

- 13 (a) law enforcement personnel or drivers of authorized emergency vehicles when on duty and acting
- 14 in their official capacities;
- 15 (b) a person reporting an accident or emergency;
- 16 (c) a person using a hands-free interactive wireless communication device while driving;
- 17 (d) a person authorized by the department of transportation, a local authority, utility company, or
- 18 private contractor to be in the work zone; or
- 19 (e) a person waiting in line at a complete stop for construction delays at flagger stations or other work
- 20 zone traffic signals.

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

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

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

1 that provides for voice or data communication between two or more parties, including but not limited to a mobile
2 or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, or
3 a laptop computer. The term does not include a citizens band radio, a two-way radio communication device or
4 its functional equivalent, or a device that is permanently affixed to a bus or school bus.

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

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9 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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