

**ARRL STATE LEGISLATIVE REPORT  
SEPTEMBER – OCTOBER 2010**

Throughout 2010, we monitored and reported all 50 state legislatures on bills of importance to the American Radio Relay League. These include but are not limited to:

- 67 Bills relating to Wireless Devices While Driving
  - 2 Bills relating to Antennas
  - 2 Bills relating to Emergency Communication
  - 2 Bills relating to Wireless Devices in Prison Facilities
  - 3 Bills relating to License Plates
  - 1 Bill relating to Wireless Devices While Boating
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**ALABAMA**

**There is no legislation to report at this time.**

**ALASKA**

**There is no legislation to report at this time.**

**ARIZONA**

**There is no legislation to report at this time.**

**ARKANSAS**

**There is no legislation to report at this time.**

**CALIFORNIA**

**CA S 268 – Wireless Devices in Correctional Facilities**

This bill was introduced by Sen. Harman (R-CA) on February 24, 2009 requiring any inmate or ward who possesses any cellular telephone or other wireless communication device or any component including a subscriber identify module or memory storage device, or any person who possesses with the intent to deliver, or delivers, to an inmate or ward such device or component, is guilty of a misdemeanor. The bill provides that if a person visiting an inmate or ward is found to be in possession of such a device or component, that device or component is subject to confiscation. The bill was sent from the Assembly Committee on Health with amendments and

read a second time on March 10, 2010. As of March 10, 2010 the bill was re-referred to the Committee on Health where it is currently pending. As of June 2, 2010 this bill was withdrawn from the Assembly Committee on Health and re-referred to the Assembly Committee on Rules. As of June 10, 2010 the bill was re-referred to the Assembly Committee on Public Safety where it is currently pending.

### **CA S 525 – Wireless Devices in Correctional Facilities**

This bill was introduced by Sen. Padilla (D-CA) on February 27, 2009 providing that any person who possesses with the intent to deliver, or delivers to an inmate or ward in the custody of the Department of Corrections and Rehabilitations any cellular telephone or other wireless communication device or any component thereof is guilty of a misdemeanor, punishable by a specified fine for each device. The bill was amended on March 8, 2010 where it was read for a second time in Assembly and re-referred to the Committee on Public Safety. As of June 15, 2010 the bill was noted as “Do Pass to the Committee on Appropriations”. As of July 1, 2010 the bill is pending in the Assembly second reading file. As of August 30, 2010 the bill is in the Senate to the Inactive file. As of September 29, 2010 this bill was Vetoed by the Governor.

### **CA S 828 – Emergency Communications**

Introduced March 19, 2009 by the Senate Governmental Organization Committee, relating to public safety communication. This bill was amended September 4, 2009 to include relevant provisions. This bill amends the Public Safety Communication Act. Revises and adds definitions and renames the committee the State Emergency Communications Council. Requires the committee to establish guidelines for the purchase of public safety communications equipment. Requires the Emergency Management Agency to submit updates and addenda relating to the Statewide Communications Interoperability Plan to the Legislature. This bill provides that the Committee shall have responsibility for both of the following: (1) Developing an integrated public safety strategy that facilitates interoperability among the state public safety agencies listed in subdivision (d) of Section 8592.1. In the development of the integrated public safety strategy, the committee shall coordinate with California Statewide Interoperability Executive Committee and ensure that state systems interoperate with local government systems where authorized and where applicable; and (2) Coordinating shared use of the public safety spectrum allocated to the state by the Federal Communications Commission to maximize its effective use by the state public safety organizations listed in subdivision (d) of Section 8592.1 consistent with the decisions and regulations of the Federal Communications Commission, the guidelines for interoperability established by California Emergency Management Agency and California Statewide Interoperability Executive Committee, and the requirements of the California Statewide Communications Interoperability Plan. This bill is currently pending in the Assembly Governmental Organization Committee.

### **CA S 1475 – Wireless Devices While Driving**

Department of Motor Vehicles include a test of the applicant’s understanding of the distractions and dangers of handheld cell phone use and text messaging while operating a motor vehicle. The bill deletes the exemption from the violation point count that would be given for a conviction under existing law for a violation of text-based communications. The Bill provides that certain fines be used for a cell phone use while driving education program. The bill was sent to the Senate Committee on Transportation and Housing on March 11, 2010. As of April 26, 2010 the bill was in the Senate and read for a second time and amended. The bill was re-referred to the Committee on Appropriations where it is currently pending. As of May 13, 2010 the bill is

pending in the Senate for a third reading. As of June 3, 2010 the bill passed the Senate and was sent to the Assembly. As of June 23, 2010 the bill was in the Assembly and read for a second time and amended. The bill has been re-referred to the Committee on Appropriations where it is currently pending. As of August 12, 2010 the bill is in the Assembly Committee on Appropriations and is being held in this committee.

### **COLORADO**

**There is no legislation to report at this time.**

### **CONNECTICUT**

**There is no legislation to report at this time.**

### **DELAWARE**

#### **DE H 40 – Wireless Devices While Driving**

Introduced January 14, 2009 by Representative Miro (R), this bill enhances driving safety by establishing distracted driving standards and allowing mobile telephones to be used while operating a moving motor vehicle only when equipped with built-in speakers or a hands-free accessory; to prohibit placing or receiving text messages, sending or receiving e-mails on mobile telephones or other electronic devices, to require the State Police Department to include on motor vehicle accident reports information about the use of mobile telephones or other distractions by drivers. This bill was amended May 15. This bill is pending in the Senate Committee on Public Safety. This bill was reported from the Senate Committee on Public Safety without a recommendation June 18. This bill was carried over to the 2010 Legislative Session, in which it died at adjournment on July 30, 2010.

#### **DE H 229 – Wireless Devices While Driving**

Introduced June 16, 2009 by Representative Scott (D), this bill prohibits the use of cell phones while operating a motor vehicle on the highways of the State of Delaware. This bill is pending in the House Committee on Public Safety and Homeland Security. The bill was substituted on the House floor on February 18, 2010 and is now pending in the House. As of June 1, 2010 the bill was sent to the Senate Committee on Public Safety. As of June 22, 2010 the House Amendment rejected on House floor. The House concurred with the Senate amendments and the bill is now eligible for the Governors desk. As of July 6, 2010 this bill was enacted and chaptered as Chapter Number 343.

#### **DE H 493 – Wireless Devices While Driving**

This bill was introduced on June 25, 2010 by Rep. Schwartzkopf (D-DE) exempting, from existing law prohibiting the use of certain communication devices while operating a motor vehicle, a person using a two-way communication device mounted or attached to a motor vehicle during their course of employment with a business or government entity while talking to a central dispatch, base of operation, or with other employees of such business or government entity. As of July 6, 2010 this bill was enacted and made Chapter Number 344.

### **DE H 494 – Wireless Devices While Driving**

This bill was introduced on June 25, 2010 by Rep. Briggs King (R-DE) excluding, from existing law prohibiting the use of certain communications devices while operating a motor vehicle, the use of an amateur radio by an FCC-Licensed amateur radio operator. As of July 6, 2010 this bill was signed by the Governor and made Chapter No. 345.

### **DE HCR 50 – Amateur Radio Month**

This bill was introduced on June 1, 2010 by Rep. Mitchell (D-DE) recognizing the month of June as Amateur Radio Month in Delaware. The bill passed the House on June 1<sup>st</sup> and is currently pending in the Senate. As of June 16, 2010 the bill passed the Senate and was adopted.

## **FLORIDA**

**There is no legislation to report at this time.**

## **GEORGIA**

### **GA H 23 – Wireless Devices While Driving**

Introduced January 12, 2009 by Rep. Matt Ramsey (R-72) relating to the use of wireless devices while driving. This bill would change certain provisions relating to suspension or revocation of the licenses of habitually negligent or dangerous drivers and the point system; changes certain provisions relating to driver exercise of due care; prohibits use of cell phones by persons under 18 years of age while operating a motor vehicle; and prohibits the practice of text messaging while operating a motor vehicle. This bill was further amended February 24, 2009 to provide an exception for amateur or ham radios and provides that the use of these radios would not be a violation of the code. As of April 29, 2010 the bill is eligible for the Governor's desk. As of May 7, 2010 the bill was pending in the Governor's office. As of June 4, 2010 the bill was signed by the Governor and made Act No. 676.

### **GA S 360 – Wireless Devices While Driving**

This bill was introduced by Sen. Murphy J. (R-GA) on February 3, 2010 relating to motor vehicles and traffic, so as to prohibit persons 18 years of age or younger from using wireless telecommunications devices for sending or receiving text messages while operating a motor vehicle. The bill provides penalties for violations. The bill was referred to the Senate Committee on Public Safety on February 4, 2010. As of March 22, 2010 the bill was sent to the House Committee on Public Safety and Homeland Security Committee. As of April 29, 2010 the bill is eligible for the Governor's desk where it is currently pending. As of May 7, 2010 the bill was pending in the Governor's office. As of June 4, 2010 the bill was signed by the Governor and made Act No. 677.

## **HAWAII**

**There is no legislation to report at this time.**

## IDAHO

**There is no legislation to report at this time.**

## ILLINOIS

### **IL H 996 – Wireless Devices While Driving**

Introduced on February 10, 2009 by Rep. Holbrook (D) amending the Illinois Vehicle Code. The bill provides that a person may not operate a motor vehicle on a roadway while using an electronic communication device to compose, send, or read an electronic message. Provides that a violation is an offense against traffic regulations governing the movement of vehicles. The bill was re-referred on March 13 to the House Committee on Rules where it is currently pending.

### **IL H 5194 – Unauthorized Access to State Police Radio**

This bill was introduced on February 1, 2010 by Rep. Brady D (R-IL) amending the State Police Radio Act. The bill provides that a person receiving public safety voice or data communication transmitted via the facilities of the State's public safety radio system by wire or radio shall not, without the written authority of the originator of the communication, rebroadcast the communication via any means, including radio or Internet, or otherwise divulge or publish the existence, contents, substance, purport, effect, or meaning thereof. The bill was sent to the House on February 23, 2010 where it was read for a second time and placed on short debate calendar for a third reading. As of April 27, 2010 the bill passed both houses and is eligible for the Governor. As of May 26, 2010 the bill has been sent to the Governor where it is currently pending. As of July 23, 2010 this bill was signed by the Governor and was enacted and chaptered as Public Act No. 1236.

### **IL H 5454 – Wireless Devices While Driving**

This bill was introduced on February 4, 2010 by Rep. May (D-IL) amending the Illinois Vehicle Code. The bill provides that a person may not operate a motor vehicle on a roadway while using an electronic communication device unless the electronic communication device is used in hands-free or voice activated mode. The bill was sent to the House Committee on Vehicle and Safety on February 22, 2010. As of March 15, 2010 the bill was re-referred to the House Committee on Rules where it is currently pending.

### **IL H 5455 – Emergency Management Agency Act**

This bill was introduced on February 4, 2010 by Rep. Franks (D-IL) amending the Emergency Management Agency Act; creating the Radio Amateur Civil Emergency Service. The bill provides emergency communications service in the State and requires the Director of the Emergency Management Agency to appoint a State raced officer to serve as the point of contact between the Emergency Management Agency and the amateur radio community. The bill

identifies amateur radio operators. As of March 15, 2010 the bill was re-referred to the House Committee on Rules where it is currently pending.

#### **IL H 5761 – Wireless Devices While Driving**

This bill was introduced on February 9, 2010 by Rep. Bradley J (D-IL) amending the Vehicle Code. The bill provides that the prohibition against operating a motor vehicle on a roadway while using an electronic communication device to compose, send, or read an electronic message does not apply to a driver using amateur radio receiving and transmitting equipment while in possession of a current and valid amateur radio license issued by the Federal Communications Commission. The bill was sent to the House Committee on Vehicle and Safety on February 24, 2010. As of March 16, 2010 the bill was sent to the Senate Committee on Assignments. As of April 23, 2010 the bill was re-referred to the Senate Committee on Assignments where it is currently pending.

#### **IL S 29 – Wireless Devices While Driving**

Introduced by Sen. Rutherford (R) on January 30, 2009 amending the Illinois Vehicle Code. The bill prohibits the operation of a motor vehicle while using a wireless telephone or other mobile electronic device to send, read, or write a text-based communication. Provides that a violation is a petty offense punishable by a fine of \$75 and that, if a violation occurs at the time of a traffic accident, the violator shall pay an additional fine of \$200. The bill was re-referred to the Senate Committee on Assignments on March 13 where it is currently pending.

#### **IL S 272 – Wireless Devices While Driving**

This bill was introduced February 6, 2009 by Senator Michael W. Frerichs (D-52), relating to driving in certain areas while using a mobile device. This bill provides that a person, regardless of age, may not use a wireless telephone in a school speed zone or a construction or maintenance speed zone, except for a person engaged in a highway construction or maintenance project for which a construction or maintenance speed zone has been established when the person is using a wireless telephone in furtherance of that project. This bill also disallows a person under the age of 19 years who holds an instruction permit or a person under the age of 19 years who holds a graduated license, from driving a vehicle on a roadway while using a wireless phone. This was referred to the Senate Committee on Assignments March 13, where it is currently pending.

#### **IL S 273 – Wireless Devices While Driving**

Introduced on February 6, 2009 by Sen. Frerichs (D) amending the Illinois Vehicle Code. The bill provides that a person may not operate a motor vehicle on a roadway while using an electronic communication device to compose, send, or read an electronic message. Provides that a violation is an offense against traffic regulations governing the movement of vehicles. The bill was re-referred to the Senate Committee on Assignments on March 13 where it is currently pending.

#### **IL S 1299 – Wireless Device Installation**

Introduced on February 10, 2009 by Sen. Silverstein (D) amends the Illinois Vehicles Code. The bill creates the offenses of driving with a screen device operating and unlawful installation of television, monitor, or similar device. Provides a person commits the offense of driving with a screen device operating when the person is driving a motor vehicle that has a television video

monitor. Provides an exemption for wireless telephones or electronic communication devices being used for verbal communication. The bill is pending in the Senate Transportation Committee as of March 13, 2009 and the Committee deadline was extended to April 3, 2009.

### **IL S 3199 – Wireless Devices While Driving**

Introduced on February 9, 2010 by Sen. DeLeo (D-IL) amending the Vehicle Code. This bill provides that a school bus must contain either an operating cellular radio telecommunication device or two-way radio while the school bus driver is in possession of a school bus and provides that the cell phone or two-way radio must be turned on and adjusted in a manner that would alert the school bus driver of an incoming communication request. Provides that a school bus driver may use a cell phone to communicate with school authorities or their designees. The bill was sent to the Senate floor on March 15, 2010, read for a second time, and placed on Calendar order for a third reading. It was passed by Senate on March 17, 2010. On March 18, 2010 the bill was sent to the House, where it was immediately referred to the Rules Committee on, where it is currently pending.

### **INDIANA**

**There is no legislation to report at this time.**

### **IOWA**

**There is no legislation to report at this time.**

### **KANSAS**

**There is no legislation to report at this time.**

### **KENTUCKY**

**There is no legislation to report at this time.**

### **LOUISIANA**

### **LA S 9 – Wireless Devices While Driving**

This bill was introduced on March 29, 2010 by Sen. Gautreaux (D-LA) making texting while driving a motor vehicle a primary offense. The bill was sent to the Senate Committee on Transportation, Highways and Public Works. As of April 20, 2010 the bill had an amendment adopted on the Senate floor and was ordered engrossed. As of June 2, 2010 the bill passed the House and was sent to the Senate for concurrence. As of June 17, 2010 the bill was signed by the Governor and made Act No. 203.

**MAINE**

**There is no legislation to report at this time.**

**MARYLAND**

**There is no legislation to report at this time.**

**MASSACHUSETTS**

**MA H 3237 – Wireless Devices While Driving**

Introduced on January 19, 2009 by Rep. Hill (R) regulating junior operators and the use of certain communications devices while operating a motor vehicle. On June 11, 2009 the bill was sent to the Joint Committee on Transportation, was heard and is eligible for executive session. As of March 4, 2010 the bill was set aside for study. The bill is currently pending in the Joint Committee on Transportation. As of July 23, 2010 the bill was sent from the Joint Committee on Transportation and accompanied by study order H. 4928. The bill is currently pending in the House for a second reading.

**MA H 4795 – Wireless Devices While Driving**

This bill was introduced on June 23, 2010 by the Report of Conference Committee providing that no person under 18 years of age or any operator of a vehicle or vessel used in public transportation shall use a mobile telephone, hands-free mobile telephone or mobile electronic device while operating a motor vehicle. As of July 2, 2010 the bill was signed by the Governor and made Chapter No. 155-2010.

**MA S 1977 – Wireless Devices While Driving**

The bill was introduced on January 19, 2009 by Sen. Tisei (R) prohibiting cell phone use by teens while driving. On June 11, 2009 the bill was sent to the Joint Committee on Transportation where it was heard and deemed eligible for Executive Session. As of March 16, 2010 the bill was set aside for study. As of September 2, 2010 the bill was sent from the Joint Committee on Transportation accompanied by Study Order S 2616.

**MA S 2246 – Wireless Devices While Driving**

This bill was introduced by Sen. Petruccelli (D-MA) banning texting while driving in the city of Boston. As of March 16, 2010 the bill was sent to the joint committee on transportation and was set aside for Study. As of September 2, 2010 this bill was sent from the Joint Committee on Transportation accompanied by Study Order S 2616.

**MA S 2290 – Wireless Devices While Driving**

This bill was introduced on February 25, 2010 by the Senate Ways and Means Committee containing the amended text of the House bill numbered 4475 (seen above) which relates to safe driving. As of March 2, 2010 the bill was pending in the Senate, where it was amended and passed to be engrossed. On March 8, 2010, the bill was received by the House, which did not

concur with the Senate amendment, and sent to the bill to an appointed conference committee the same day. On June 23, 2010, the conference committee recommended that the bill be passed with an amendment, and substituted the bill with another of the same name (see H 4795 above)

## MICHIGAN

### **MI H 5556 – Antenna Placement**

Introduced October 28, 2009 by Rep. Steven Lindberg (D-109). This bill relates local zoning restrictions for amateur radio to conform to federal regulations. Provides that a local unit of government shall not adopt an ordinance that precludes federally licensed amateur radio service communications or that does not comply with 47 cfr 97.15 and the rules and regulations of the federal communications commission; a local unit of government shall not restrict antennas or antenna support structures of amateur radio operators to heights below 90 feet, unless the restriction is shown by clear and convincing evidence to be necessary to achieve a defined health, safety, or aesthetic objective of the local unit of government. Provides that if a local unit of government adopts an ordinance that regulates the placement, screening, number, or height of a station antenna structure, based on health, safety, or aesthetic considerations, the ordinance shall do both of the following: (a) reasonably accommodate federally licensed amateur radio service communications; (b) constitute the minimum regulation practicable to carry out the legitimate purpose of the governing body. This bill is pending in the House Intergovernmental and Regional Affairs Committee.

### **MI H 6057 – Wireless Devices While Driving**

This bill was introduced on April 21, 2010 by Rep. Jones (R-MI) requiring driver education curriculum to include dangers of operating a vehicle while sending a message on an electronic wireless device. As of April 21 the bill was sent to the House Committee on Transportation where it is currently pending.

## MINNESOTA

**There is no legislation to report at this time.**

## MISSISSIPPI

**There is no legislation to report at this time.**

## MISSOURI

**There is no legislation to report at this time.**

## MONTANA

This bill was pre-filed on July 30, 2010 by Sen. Gary Branae (D-27) and requires that the state department issue every five years a separate series of standard license plates for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and pole trailers registered or offered for sale by a licensed vehicle dealer, to replace previous standard license plates. For purposes of this legislation, amateur radio license plates are treated standard license plates. As of November 5, 2010, the pre-filed draft bill was in final draft review. On November 6, 2010, the bill was under review by the Assembly/Executive Director. On November 8, 2010, a pre-introduction letter was sent.

### **NEBRASKA**

**There is no legislation to report at this time.**

### **NEVADA**

**There is no legislation to report at this time.**

### **NEW HAMPSHIRE**

**There is no legislation to report at this time.**

### **NEW JERSEY**

#### **NJ A 407 - Wireless Devices While Driving**

This bill was introduced by Assembly member Diegnan (D-NJ) prohibiting the use of wireless telephones or electronic communication devices by operators of public transit vehicles while vehicles are moving. As of September 30, 2010 the bill was amended on the Senate Floor. The bill is currently pending in the Senate. As of October 18, 2010 the bill passed the Senate and is to the Assembly for concurrence.

#### **NJ A 576 - Wireless Devices While Driving**

This bill was introduced January 12, 2010 by Assembly Member Joseph Cryan (D-20) prohibiting the use of any hand-held or hands-free wireless telephones or electronic communication devices by an operator of a moving passenger vehicle with an examination permit, except in cases of emergency. On November 15, 2010, this bill was amended by the Committee on Transportation, Public Works, and Independent Authorities and sent to the Assembly. It is currently pending in the Assembly.

#### **NJ A 2287 – Wireless Devices While Driving**

This bill was introduced on February 18, 2010 by Rep. Coutinho (D-NJ) enacting Helen's Law which establishes criminal penalty for causing death or serious bodily injury when violating

hands-free cell phone law when driving. The bill is currently pending in the Assembly Committee on Law and Public Safety (as of February 18, 2010).

#### **NJ A 2331 – Wireless Devices While Driving**

This bill was introduced on February 25, 2010 by Rep. Rumpf (R-NJ) prohibiting the use of hands-free wireless telephones and electronic communication devices while providing instruction in the operation of a motor vehicle. The bill was sent to the Assembly Committee on Transportation, Public Works and Independent Authorities on February 25, 2010 where it is currently pending. The bill is currently pending in the Assembly Housing and Local Government Committee.

#### **NJ A 2437 – Wireless Devices While Driving**

This bill was introduced on March 4, 2010 by Assembly member Braminick (R-NJ) increasing penalty for commercial drivers who use a hand-held telephone or electronic communication device while driving. The bill was sent to the Assembly Committee on Law and Public Safety as of March 4, 2010 where it is currently pending.

#### **NJ A 2677 – Wireless Devices While Driving**

This bill was introduced on May 13, 2010 by Rep. Quijano (D-NJ) increasing fines for talking or texting on hand-held devices while driving. As of May 13, 2010 the bill was sent to the Assembly Committee on Law and Public Safety.

#### **NJ A 2815 – Wireless Devices While Driving**

This bill was introduced on June 10, 2010 by Assembly member Greenstein (D-NJ) removing decal requirement from graduated driver's license law; establishes a new system for law enforcement to identify novice drivers. As of June 10, 2010 this bill was sent to the Assembly Committee on Transportation, Public Works and Independent Authorities where it is currently pending.

#### **NJ A 2816 – Wireless Devices While Driving**

This bill was introduced by Rep. Quijano (D-NJ) creating Kulesh and Kubert's Law; establishing violation of hands-free cell phone law as reckless under vehicular homicide statute and assault by auto statues. As of June 10, 2010 the bill was sent to the Assembly Committee on Law and Public Safety where it is currently pending.

#### **NJ A 3154 - Wireless Devices While Driving**

This bill was introduced by Assembly member Quijano (D-NJ) increasing fines and imposing license suspension for talking or texting on hand-held devices while driving. As of September 13, 2010 the bill was sent to the Assembly Committee on Law and Public Safety where it is currently pending.

#### **NJ S 732 - Wireless Devices While Driving**

This bill was introduced by Sen. Sacco (D-NJ) prohibiting use of wireless telephones or electronic communication devices by operators of public transit vehicles while vehicles are

moving. As of September 30, 2010 the bill was amended on the Senate floor. The bill is currently pending in the Senate. As of October 18, 2010 this bill was substituted by A 407.

### **NJ S 736 - Wireless Devices While Driving**

This bill was introduced January 12, 2010 by Senator Nicholas Sacco (D-32) prohibiting the use of any hand-held or hands-free wireless telephones or electronic communication devices by an operator of a moving passenger vehicle with an examination permit, except in cases of emergency. On November 15, 2010, this bill was amended by the Assembly Committee on Transportation, Public Works, and Independent Authorities and sent to the Assembly floor. It is currently pending in the Assembly.

### **NJ S 1393 – Wireless Devices While Driving**

This bill was introduced on February 11, 2010 by Sen. Codey (D-NJ) requiring causes of driver inattention to be noted in traffic accidents.. Caused of “driver inattention” shall include but not limited to: use of pagers, facsimile machines, locator devices, AM/FM radios, compact disc players, audio cassette players, video players, citizens band radios, or dispatch radios. This bill was sent to the Senate Committee on Transportation as of February 11, 2010 where it is currently pending.

### **NJ S 1429 – Wireless Devices While Driving**

This bill was introduced on February 11, 2010 by Sen. Madden (D-NJ) exempting use of citizen’s band and two-way radios by operators of commercial motor vehicles from prohibition on use of hand-held wireless telephone or electronic communication devices while driving. This bill was sent to the Senate Committee on Law and Public Safety as of February 11, 2010. As of March 11, 2010 the bill Passed the Senate and was sent to the Assembly Committee on Transportation, Public Works and Independent Authorities where it is currently pending. As of May 20, 2010 this bill passed the Assembly and has been sent to the Governor’s office where it is currently pending. As of July 6, 2010 the bill was signed by the Governor and enacted as Chapter No. 40.

### **NJ S 1950 – Wireless Devices While Driving**

This bill was introduced by Sen. Lesniak (D-NJ) creating Kulesh and Kubert’s Law; establishing violation of hands-free cell phone law as reckless under vehicular homicide statute and assault by auto statues. As of May 20, 2010 the bill was sent to the Senate Committee on Law and Public Safety where it is currently pending.

### **NJ S 2181 – Wireless Devices While Driving**

This bill was introduced on July 1, 2010 by Sen. Codey (D-NJ) increasing fines and imposing license suspension for talking or texting on a hand-held device while driving. As of July 1, 2010 this bill was sent to the Senate Committee on Law and Public Safety where it is currently pending. As of September 13, 2010 the bill was sent to the Senate Committee on Budget and Appropriations where it is currently pending.

### **NJ S 2417 – Wireless Devices While Driving**

This bill was introduced on November 15, 2010 by Sen. Weinberg (D-NJ) prohibiting a person from talking on a cell phone or text messaging while operating a boat. Specifically, the bill makes it unlawful to use a hand-held or hands-free interactive wireless communication device while operating a vessel on the waters of the State. The bill makes an exception for emergencies. For purposes of this legislation, a wireless communication device does not include an amateur radio. As of November 15, 2010, this bill is pending in the Senate Committee on Law and Public Safety.

### **NEW MEXICO**

**There is no legislation to report at this time.**

### **NEW YORK**

#### **NY A 181 – Unauthorized Radio Transmission**

This bill was introduced on January 7, 2009 by Assembly member George S. Latimer (D-91) relating to unauthorized radio transmission. This bill would create the crime of unauthorized radio transmission for making or causing to be made a radio transmission in the state without first obtaining a license or exemption from licensure from the Federal Communications Commission or acts to cause an unauthorized radio transmission to, or interference with, a public or commercial radio station licensed by the commission or to enable a transmission or interference to occur; provides a felony for conviction. This bill is currently pending in the Assembly Codes Committee as of January 7, 2009.

#### **NY S 536 – Wireless Devices While Driving**

This bill was introduced on January 7, 2010 by Sen. Alesi (R-NY) prohibiting the writing, sending or reading of text-based communication on a mobile telephone while driving. The bill creates a cell phone safety component in pre-licensing courses. As of March 31, 2010 the bill was amended in the Senate Committee on Transportation where it is currently pending.

#### **NY A 4256 – Cell Phone Towers**

This bill was introduced on February 2, 2009 by Rep. Colton (D-NY) requiring that landlords hold a public forum with tenants prior to contracting with cell phone carriers to mount cell phone towers on residential buildings, it also requires that school districts provide parents and school faculty with written notification of cell phone towers being mounted onto school facilities. The bill is currently pending in the Assembly Housing Committee.

#### **NY A 6436 – Wireless Devices While Driving**

This bill was introduced on March 3, 2009 by Assembly member Felix Ortiz (D-51) relating to the operation of a motor vehicle while using a wireless device. This bill would prohibit the use of a cellular or wireless telephone while operating a motor vehicle except for the sole purpose of obtaining emergency assistance under certain circumstances as specified; provide for civil fines for violations of such provisions. As of March 3, 2009 the bill is pending in the Assembly Transportation Committee.

#### **NY A 9802 – Wireless Devices While Driving**

This bill was introduced on January 28, 2010 by Assembly member Quinn (R-NY) making the use of a portable electronic device while driving a primary offense and creates a cell phone safety component to the pre-licensing course. This bill was sent to the Assembly Committee on Transportation on January 28, 2010 where it is currently pending.

#### **NY S 4913 – Antenna Requirements**

Introduced on April 27, 2009 by Sen. Klein (D-NY) requiring landlords to hold public forum with tenants prior to contracting with cell phone carriers to mount cell phone towers on residential building; requires school districts to provide parents and school faculty with written notification of cell phone towers being mounted onto school facilities. The bill is currently pending in the Senate Judiciary Committee.

#### **NY S 6783 – Unauthorized Radio Transmission**

This bill was introduced by Sen. Volker (R-NY) on February 5, 2010 creating the crime of unauthorized radio transmission for those who broadcast radio transmissions without obtaining a license to do so from the FCC; makes it a class D felony punishable by imprisonment and a fine. The bill is currently pending in the Senate Codes Committee.

#### **NY S 6802 – Wireless Devices While Driving**

This bill was introduced on February 8, 2010 by Sen. Marcellino (R-NY) prohibiting the use of dashboard computers to access music controls, including satellite radio, am/fm radio or compact disk controls and displays. This bill is currently pending in the Senate Committee on Transportation.

### **NORTH CAROLINA**

**There is no legislation to report at this time.**

### **NORTH DAKOTA**

**There is no legislation to report at this time.**

### **OHIO**

#### **OH H 212 – Amateur Radio**

Introduced June 6, 2009 by Rep. Gerald L. Stebelton (R-5) relating to amateur radio stations. This bill codifies federal restrictions on local zoning of amateur station antenna structures thereby preserving amateur radio service communications as a Homeland Security resource; Places the burden of proof for compliance on the zoning authority. This bill provides that the legislative authority shall not restrict the height or dimensions of amateur station antenna structures in such a way as to prevent effective amateur radio service communications. For purposes of structure restrictions, seventy-five feet shall be considered a reasonable antenna structure height. This bill is currently pending in the House Public Utilities Committee as of June 16, 2009.

#### **OH H 261 – Wireless Devices While Driving**

Introduced August 4, 2009 by Rep. Michael DeBose (D-12), relating to wireless devices while driving. This bill prohibits driving a vehicle while text messaging or typing on a mobile communication device; establishes the violation as a secondary traffic offense. This bill provides that this section does not apply to: (1) A person using a mobile communication device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity; (2) A person operating a public safety vehicle who uses a mobile communication device in that manner in the course of the person's duties. This bill was referred from the House Rules and Reference Committee to the House Public Safety and Homeland Security Committee September 15 where it is currently pending.

#### **OH H 262 – Wireless Devices While Driving**

Introduced August 4, 2009 by Rep. Michael DeBose (D-12), relating to wireless devices while driving. Provides that no person shall drive a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while talking, text messaging, or typing on a mobile communication device. This bill provides that this section does not apply to: (1) A person using a mobile communication device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity; (2) A person operating a public safety vehicle who uses a mobile communication device in that manner in the course of the person's duties. This bill was referred from the House Rules and Reference Committee to the House Public Safety and Homeland Security Committee September 15.

#### **OH H 266 – Wireless Devices While Driving**

Introduced August 6, 2009 by Rep. Joseph Koziura (D-56) relating to wireless devices while driving. No person shall drive a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using a handheld or manually operated mobile communication device. Provides that this section does not apply to any of the following: (1) A person using a mobile communication device that is specifically designed and configured to allow hands-free operation, and is used in that manner while driving; (2) A person using a mobile communication device for emergency purposes, including an emergency call to a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity; (3) A person operating a public safety vehicle who uses a mobile communication device in the course of the person's duties; (4) A person operating a citizens band radio or two-way radio while driving a motor vehicle, trackless trolley, or streetcar; (5) A person using a handheld or manually operated mobile communication device whose motor vehicle is in a stationary position, with the transmission in the park or neutral setting or with the engine or power to the motor off, and who is outside a lane of travel. As used in this section, "mobile communication device" includes any of the following: (1) A wireless telephone; (2) A text-messaging device; (3) A personal digital assistant; (4) A computer; (5) Any other substantially similar wireless device that is designed or used to communicate voice, text, or data. This bill was referred from the House Rules and Reference Committee to the House Public Safety and Homeland Security Committee September 15.

#### **OH H 270 – Wireless Devices While Driving**

Introduced August 18, 2009 by Rep. Connie Pillich (D-28), relating to wireless devices while driving. This bill provides that no person shall drive a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while text messaging

or typing on a mobile communication device. Provides that this section does not apply to: (1) A person using a mobile communication device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity; (2) A person operating a public safety vehicle who uses a mobile communication device in that manner in the course of the person's duties. As used in this section, "mobile communication device" includes any of the following: (1) A wireless telephone; (2) A text-messaging device; (3) A personal digital assistant; (4) A computer; (5) Any other substantially similar wireless device that is designed or used to communicate text or data. This bill was referred from the House Rules and Reference Committee to the House Public Safety and Homeland Security Committee September 15.

### **OH H 289- Condominium and Neighborhood Associations**

Introduced September 29, 2009 by Rep. Timothy DeGeeter (D-15) to prohibit condominium associations, neighborhood associations, and landlords from restricting the display of blue star banners, gold star banners, and other service flags; prohibits landlords from restricting the display of the United States flag. On October 6, 2009 the bill was referred from the House Committee on Rules and Reference to House Committee on Veterans affairs. This does not exempt Amateur Radio Operations. As of October 6, 2009 the bill is pending in the House Committee on Veterans Affairs.

### **OH H 415 – Wireless Devices While Driving**

This bill was introduced on January 19, 2010 by Rep. DeBose (D-OH) prohibiting driving a vehicle while text messaging on a mobile communication device. This bill was sent to the House on March 24, 2010 where it was read for a third time and passed. The bill was then sent to the Senate Committee on Reference where it is currently pending. As of May 11, 2010 the bill was sent to the Senate Committee on Highways and Transportation where it is currently pending.

### **OH S 160 – Wireless Devices While Driving**

Introduced August 11, 2009 by Sen. Ray Miller (D-15), relating to wireless devices while driving. This bill provides that no person shall drive a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using a handheld or manually operated mobile communication device. Provides that this section does not apply to: (1) A person using a mobile communication device that is specifically designed and configured to allow hands-free operation, and is used in that manner while driving; (2) A person using a mobile communication device for emergency purposes, including an emergency call to a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity; (3) A person operating a public safety vehicle who uses a mobile communication device in the course of the person's duties. Provides that "Mobile communication device" includes any of the following: (a) A wireless telephone; (b) A text-messaging device; (c) A personal digital assistant; (d) A computer; (e) Any other substantially similar wireless device that is designed or used to communicate voice, text, or data. This bill was referred to the Senate Highways and Transportation Committee September 15.

### **OH S 164 – Wireless Devices While Driving**

Introduced September 1, 2009 by Sen. Shirley A. Smith (D-21) relating to wireless devices while driving. This bill seeks to prohibit driving a vehicle while text messaging or typing on a mobile communication device; and to establish the violation as a secondary traffic offense. As used in

this section, "mobile communication device" includes any of the following: (1) A wireless telephone; (2) A text-messaging device; (3) A personal digital assistant; (4) A computer; (5) Any other substantially similar wireless device that is designed or used to communicate text or data. This bill is currently pending in the Senate Highways and Transportation Committee.

### **OH S 218 – Amateur Radio Service**

This bill was introduced on December 8, 2009 by Sen. Schaffer (R-OH) codifying federal restrictions on local zoning of amateur station antenna structures thereby preserving amateur radio service communications as a Homeland Security resource. As of May 18, 2010 the bill was sent to the House Committee on Public Safety and Homeland Security where it is currently pending.

## **OKLAHOMA**

### **OK H 2567 – License Plates**

This bill was introduced on February 1, 2010 by Rep. Wesselhoft (R-OK) relating to motor vehicles. The bill provides that license plates shall be issued on a staggered system except for legislative plates and amateur radio operator license plates. The bill was sent to the House Committee on General Government on February 2, 2010. As of March 29, 2010 the bill was sent from the Senate Committee on Appropriations and noted as “do pass as amended.” As of April 22, 2010 the bill was sent to the House where they refused to concur in the Senate amendments. The bill was sent to the Conference Committee where it is currently pending. As of May 24, 2010 the bill was sent to the Governor where it is currently pending. As of June 14, 2010 the bill was Enacted and Chaptered as No. 302.

### **OK H 2957 – Wireless Devices While Driving**

This bill was introduced on February 1, 2010 by Rep. Wright H. (R-OK) relating to motor vehicles. The bill prohibits public transit drivers from using certain devices while operating motor vehicles. The bill was sent to the House Committee on Public Safety on February 25, 2010. As of March 8, 2010 the bill was sent to the Senate Committee on Public Safety and Homeland Security. As of March 17, 2010 the bill was sent from the Senate Committee on Public Safety and Homeland Security and noted as “do pass.” As of May 3, 2010 the House concurred with the Senate amendments and the bill has been referred for enrollment. As of May 6, 2010 this bill has been signed (enacted) by the Governor. As of July 1, 2010 this bill was enacted and chaptered as Chapter No. 218.

### **OK S 1908 – Wireless Devices While Driving**

This bill was introduced on February 1, 2010 by Sen. Sykes (R-OK) relating to motor vehicles. The bill prohibits distracted driving caused by reading, writing...which can be caused by the use of wireless devices. The bill was sent to the Senate Committee on Public Safety and Homeland Security on February 10, 2010. As of March 16, 2010 the bill is pending in the House Committee on Public Safety. As of April 28, 2010 the Senate refused to concur in the House amendments. The bill was sent to the Conference Committee where it is currently pending. As of May 26, 2010 the bill was sent to the Governor where it is currently pending. As of June 14, 2010 this bill was Enacted and Chaptered as Chapter No. 341.

## OREGON

**There is no legislation to report at this time.**

## PENNSYLVANIA

### **PA H 67 – Wireless Devices While Driving**

This bill was introduced on January 26, 2009 by Rep. Markosek (D-PA) amended the vehicles code. The bill provides for junior driver's licenses and for suspension of operating privileges. Prohibits interactive wireless communications devices and video receiving equipment. The bill was referred to the Senate Committee on Transportation on January 27, 2010 where it was amended and then sent to the Senate to be read for the first time. As of March 22, 2010 the bill was sent from the Senate Committee on Appropriations and reported as amended. As of May 25, 2010 the bill passed the Senate and has been sent to the House for concurrence. As of June 28, 2010 the bill was sent to the House Committee on Rules. As of July 1, 2010 the House refused to concur in the Senate Amendments. The bill is currently pending in the Senate for the consideration of House Nonconcurrence.

### **PA H 1375 – Wireless Devices While Driving**

Introduced April 28, 2009 by Rep. Eugene A. Depasquale (D-95), relating to wireless devices while driving. This bill amends the Vehicles Code and prohibits the operation of motor vehicles while using electronic wireless communications devices. This legislation does not apply to the use of an electronic wireless communications device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office or health clinic; an ambulance company or corps; a fire department, district or company; or a police department; or (2) any of the following persons while in the performance of their official duties: a police officer or peace officer; or a member of a fire department, district or company. This bill was reported from the Senate Committee on Transportation as amended and read for the first time in the Senate April 28. The bill is currently pending in the House Transportation Committee.

### **PA H 2070 – Wireless Devices While Driving**

Introduced November 9, 2009 by Rep. Joseph F. Markosek (D-25). This bill prohibits use of interactive wireless communication device. Further provides for duty of driver in construction and maintenance areas or on highway safety corridors, for duty of driver in emergency response areas, for accident report forms, for department to compile. Provides that "Interactive wireless communication device" is a wireless telephone, personal digital assistant, smart phone, portable or mobile computer, or similar device which can be used for texting, e-mailing, browsing the Internet or instant messaging, but does not include a device being used exclusively as a global positioning or navigation system, or a system or device that is physically or electronically integrated into the vehicle. Provides that no person shall drive a motor vehicle upon a roadway or traffic way in this Commonwealth while using an interactive wireless communication device for a purpose other than: (i) voice communication; (ii) reading, selecting or entering a telephone number or name into an interactive wireless communication device for the purpose of making a telephone call; or (iii) utilizing a global positioning or navigation system. (2) No person with a learner's permit or junior driver's license shall drive a motor vehicle upon a roadway or trafficway

in this Commonwealth while using an interactive wireless communication device. (b) Exceptions. This section shall not apply to: (1) A driver using an interactive wireless communication device to contact a 911 system or wireless E-911 service, as defined in the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act. (2) A driver using an interactive wireless communication device when the vehicle is stopped due to traffic being obstructed and the driver has the motor vehicle transmission in neutral or park. As of March 23, 2010 the bill was sent from the Senate Committee on Transportation and reported as amended. As of April 21, 2010 the bill was read for a second time in the Senate and is currently pending in the Senate for a third consideration. As of May 5, 2010 this bill was removed from the table in the Senate. As of July 3, 2010 the bill was laid on the table. Currently the bill is pending in the House.

#### **PA H 2078 – Wireless Devices While Driving**

Introduced November 12, 2009 by Rep. Bill Kortz (D-38). This bill amends the Vehicles Code in rules of the road in general and, prohibiting interactive wireless communications devices in work zones. a) General rule. No driver shall operate a motor vehicle on a highway or trafficway within a work zone while using an interactive wireless communications device. (b) Exceptions.-- This section shall not apply to: (1) Law enforcement officers and operators of emergency vehicles when on duty and acting in their official capacities. (2) Persons who are reporting an accident or emergency. (3) Drivers who are using a hands-free interactive wireless communications device. Provides that "Interactive wireless communications device" is a wireless electronic communications 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 laptop computer. The term does not include a citizens band radio, a two-way radio communication device or a device that is permanently affixed during operation to a bus or school bus. This bill is pending in the House Transportation Committee.

#### **PA HR 767 – American Radio Relay League Day**

This resolution was introduced on April 23, 2010 by Rep. Solobay (D-PA) recognizing June 26-27<sup>th</sup>, 2010 as American Radio Relay League Filed Day in the state. The resolution is currently pending in the House. As of June 23, 2010 the resolution passed the House.

#### **PA HR 976 - National Teen Driver Safety Week**

This resolution was introduced on October 5, 2010 by Rep. Watson (R-PA) recognizing the week of October 17th through October 23, 2010 as National Teen Driver Safety Week in Pennsylvania. As of October 6, 2010 the resolution passed the House.

#### **PA S 143 – Wireless Devices While Driving**

This bill was introduced by Sen. Tomlinson (R-PA) on March 2, 2009 amended the vehicles code. The bill prohibits the operation of motor vehicles while using electronic wireless communication devices (the use of a cellular phone). The bill was last amended on April 28, 2009 and is currently pending in the House Committee on Transportation.

#### **PA S 459 - Wireless Devices While Driving**

This bill was introduced March 2, 2009 by Senator Jim Ferlo (D-38), relating to the use of a mobile telephone while operating a motor vehicle. This bill provides that no person shall operate

a motor vehicle upon a highway while using a mobile telephone or hand-held communication device to engage in a call or wireless communication while the vehicle is in motion. This bill is pending in the Senate Committee on Transportation.

### **RHODE ISLAND**

**There is no legislation to report at this time.**

### **SOUTH CAROLINA**

**There is no legislation to report at this time.**

### **SOUTH DAKOTA**

#### **SD H 1171 – License Plates**

This bill was introduced on January 28, 2010 by Rep. Gibson (D-SD) repealing the fee for certain special motor vehicle license plates for amateur radio licensees. This bill passed the Senate on February 25, 2010. As of June 23, 2010 this bill was chaptered as No. 153.

### **TENNESSEE**

**There is no legislation to report at this time.**

### **TEXAS**

#### **TX H 37 - Wireless Devices While Driving**

This bill was introduced on November 8, 2010 by Rep. Jose Menendez (D-124) prohibiting the use of wireless communication devices while operating a motor vehicle, and to provide for penalties. Exemptions are allowed for operators in parked vehicles, those using hands-free devices, and those making emergency communications by phone or text message. The bill has been pre-filed as of November 8, 2010. It is currently pending in the House.

#### **TX H 93 - Wireless Devices While Driving**

This bill was introduced on November 8, 2010 by Rep. Byron Cook (R-8) prohibiting the use of wireless communication devices while operating a motor vehicle, and to provide for penalties. Exemptions are allowed for operators using a wireless communication device that is permanently installed in the vehicle; is used while the vehicle is stopped; is used to engage in, dial, or deactivate a phone call; is used with a hands-free device; or is used to report suspicious or criminal activities to a law enforcement agency. This legislation creates a penalty for prohibited use of a wireless communications device while driving in a school crossing zone. The bill has been pre-filed as of November 8, 2010. It is currently pending in the House.

#### **TX H 103 - Wireless Devices While Driving**

This bill was introduced on November 8, 2010 by Rep. Trey Martinez Fischer (D-116) prohibiting the use of wireless communication devices while operating a passenger bus with a minor passenger on board. Exemptions are allowed for operators engaging in wireless communications: in a case of emergency; in a stopped vehicle; made by a peace officer or emergency response provider; or made in connection with official duties. This legislation creates a penalty for prohibited use of a wireless communications device while driving in a school crossing zone. The bill has been pre-filed as of November 8, 2010. It is currently pending in the House.

#### **TX H 105 - Wireless Devices While Driving**

This bill was introduced on November 8, 2010 by Rep. Betty Brown (R-4) prohibiting the use of wireless communication devices while operating a motor vehicle, and to provide for penalties. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. The bill has been pre-filed as of November 8, 2010. It is currently pending in the House.

#### **TX H 243 - Wireless Devices While Driving**

This bill was introduced on November 10, 2010 by Rep. Tom Craddick (R-82) prohibiting the use of wireless communication devices, and to provide for penalties. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. The bill has been pre-filed as of November 10, 2010. It is currently pending in the House.

#### **TX H 287 - Wireless Devices While Driving**

This bill was introduced on November 15, 2010 by Rep. Eddie Lucio III (D-382) prohibiting the use of wireless communication devices, and to provide for penalties. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. The bill has been pre-filed as of November 15, 2010. It is currently pending in the House.

#### **TX H 288 - Wireless Devices While Driving**

This bill was introduced on November 15, 2010 by Rep. Eddie Lucio III (D-382) prohibiting the use of wireless communication devices while operating a vehicle that is used to transport clients of business or public entities that owns or leases the vehicle, including a vehicle that is owned or leased by an licensed health care institution or facility, or an entity that provides special transportation services to persons who are disabled or elderly. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. The bill has been pre-filed as of November 15, 2010. It is currently pending in the House.

#### **TX S 46 - Wireless Devices While Driving**

This bill was introduced on November 8, 2010 by Sen. Judith Zaffirini (D-21) prohibiting the use of wireless communication devices to read, write, or send a text message, instant message, or email while operating a vehicle. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. The bill has been pre-filed as of November 8, 2010. It is currently pending in the House.

#### **TX S 119 - Wireless Devices While Driving**

This bill was introduced on November 8, 2010 by Sen. Carlos Uresti (D-19) prohibiting the use of wireless communication devices to read, write, or send a text-based communication while operating a vehicle. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped. The bill has been pre-filed as of November 8, 2010. It is currently pending in the House.

**TX S 138 - Wireless Devices While Driving**

This bill was introduced on November 8, 2010 by Sen. Jeff Wentworth (R-25) prohibiting the use of a wireless communication device while operating a vehicle. Exemptions are allowed for operators using a wireless communication device while the vehicle is stopped, using a wireless communication device with a hands-free device, making an emergency call. This legislation also exempts an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity, or a person licensed by the Federal Communications Commission to operate a radio frequency device or wireless communication device. The bill has been pre-filed as of November 8, 2010. It is currently pending in the House.

**UTAH**

**There is no legislation to report at this time.**

**VIRGINIA**

**VA H 1404 – Wireless Devices While Driving**

This bill was introduced on August 25, 2010 by Rep. Howell A (D-VA) prohibiting any use of a handheld personal communications device while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth and makes such use a primary offense. This bill has been pre-filed as of August 25, 2010. The bill is currently pending in the House.

**VERMONT**

**There is no legislation to report at this time.**

**WASHINGTON**

**There is no legislation to report at this time.**

**WEST VIRGINIA**

**There is no legislation to report at this time.**

**WISCONSIN**

**There is no legislation to report at this time.**

**WYOMING**

**There is no legislation to report at this time.**