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LAW/RWH

# SENATE, No. 1429

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 11, 2010

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**  
**District 4 (Camden and Gloucester)**  
**Senator JOHN A. GIRGENTI**  
**District 35 (Bergen and Passaic)**  
**Assemblyman ALEX DECROCE**  
**District 26 (Morris and Passaic)**  
**Assemblyman DAVID P. RIBLE**  
**District 11 (Monmouth)**

**Co-Sponsored by:**

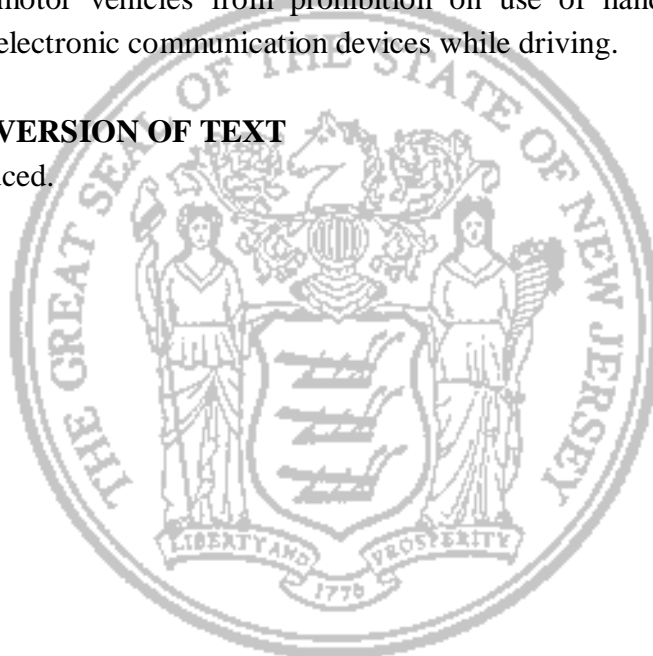
**Assemblywoman Pou, Assemblyman Johnson and Assemblywoman Quigley**

**SYNOPSIS**

Exempts 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.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/21/2010)**

1 AN ACT concerning the use of certain communications devices by  
2 operators of commercial motor vehicles and amending P.L.2003,  
3 c. 310.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 1 of P.L.2003, c.310 (C.39:4-97.3) is amended to  
9 read as follows:

10 1. a. The use of a wireless telephone or electronic  
11 communication device by an operator of a moving motor vehicle on  
12 a public road or highway shall be unlawful except when the  
13 telephone is a hands-free wireless telephone or the electronic  
14 communication device is used hands-free, provided that its  
15 placement does not interfere with the operation of federally required  
16 safety equipment and the operator exercises a high degree of  
17 caution in the operation of the motor vehicle. For the purposes of  
18 this section, an "electronic communication device" shall not include  
19 an amateur radio.

20 Nothing in P.L.2003, c.310 (C.39:4-97.3 et seq.) shall apply to  
21 the use of a citizen's band radio or two-way radio by an operator of  
22 a moving commercial motor vehicle or authorized emergency  
23 vehicle on a public road or highway.

24 b. The operator of a motor vehicle may use a hand-held  
25 wireless telephone while driving with one hand on the steering  
26 wheel only if:

27 (1) The operator has reason to fear for his life or safety, or  
28 believes that a criminal act may be perpetrated against himself or  
29 another person; or

30 (2) The operator is using the telephone to report to appropriate  
31 authorities a fire, a traffic accident, a serious road hazard or medical  
32 or hazardous materials emergency, or to report the operator of  
33 another motor vehicle who is driving in a reckless, careless or  
34 otherwise unsafe manner or who appears to be driving under the  
35 influence of alcohol or drugs. A hand-held wireless telephone  
36 user's telephone records or the testimony or written statements from  
37 appropriate authorities receiving such calls shall be deemed  
38 sufficient evidence of the existence of all lawful calls made under  
39 this paragraph.

40 As used in this act **[, ]**:

41 "Citizen's band radio" means a mobile communication device  
42 designed to allow for the transmission and receipt of radio  
43 communications on frequencies allocated for citizen's band radio  
44 service use.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

1       "【hands-free】 Hands-free wireless telephone" means a mobile  
2 telephone that has an internal feature or function, or that is  
3 equipped with an attachment or addition, whether or not  
4 permanently part of such mobile telephone, by which a user  
5 engages in a conversation without the use of either hand; provided,  
6 however, this definition shall not preclude the use of either hand to  
7 activate, deactivate, or initiate a function of the telephone.

8       "Two-way radio" means two-way communications equipment  
9 that uses VHF frequencies approved by the Federal  
10 Communications Commission.

11       "Use" of a wireless telephone or electronic communication  
12 device shall include, but not be limited to, talking or listening to  
13 another person on the telephone, text messaging, or sending an  
14 electronic message via the wireless telephone or electronic  
15 communication device.

16       c. (Deleted by amendment, P.L.2007, c.198).

17       d. A person who violates this section shall be fined \$100.

18       e. No motor vehicle points or automobile insurance eligibility  
19 points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall  
20 be assessed for this offense.

21       f. The Chief Administrator of the New Jersey Motor Vehicle  
22 Commission shall develop and undertake a program to notify and  
23 inform the public as to the provisions of this act.

24       g. Whenever this section is used as an alternative offense in a  
25 plea agreement to any other offense in Title 39 of the Revised  
26 Statutes that would result in the assessment of motor vehicle points,  
27 the penalty shall be the same as the penalty for a violation of  
28 section 1 of P.L.2000, c.75 (C.39:4-97.2), including the surcharge  
29 imposed pursuant to subsection f. of that section, and a conviction  
30 under this section shall be considered a conviction under section 1  
31 of P.L.2000, c.75 (C.39:4-97.2) for the purpose of determining  
32 subsequent enhanced penalties under that section.

33 (cf: P.L.2007, c.198, s.1)

34

35       2. This act shall take effect immediately.

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#### STATEMENT

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40       This bill exempts the use of a citizen's band radio or a two-way  
41 radio by operators of moving commercial motor vehicles or  
42 authorized emergency vehicles on a public road or highway from  
43 the current law that makes it a primary motor vehicle offense to use  
44 a hand-held wireless telephone or electronic communication device  
45 while driving.

46       The bill also clarifies that the citizen's band radio and two-way  
47 radio exemption applies to the entire act prohibiting the use of

**S1429 MADDEN, GIRGENTI**

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- 1 hand-held wireless telephones and electronic communication
- 2 devices while operating a motor vehicle.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**SENATE, No. 1429**

**STATE OF NEW JERSEY**

DATED: MARCH 4, 2010

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1429.

This bill exempts the use of a citizen's band radio or a two-way radio by operators of moving commercial motor vehicles or authorized emergency vehicles on a public road or highway from the current law that makes it a primary motor vehicle offense to use a hand-held wireless telephone or electronic communication device while driving.

The bill also clarifies that the citizen's band radio and two-way radio exemption applies to the entire act prohibiting the use of hand-held wireless telephones and electronic communication devices while operating a motor vehicle.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**SENATE, No. 1429**

**STATE OF NEW JERSEY**

DATED: MAY 6, 2010

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1429.

Senate Bill No. 1429 exempts the use of a citizen's band radio or a two-way radio by operators of moving commercial motor vehicles or authorized emergency vehicles on a public road or highway from the current law that makes it a primary motor vehicle offense to use a hand-held wireless telephone or electronic communication device while driving.

Under the bill, a citizen's band radio is defined as a "mobile communication device designed to allow for the transmission and receipt of radio communications on frequencies allocated for citizen's band radio service use." A two-way radio is defined as "two-way communications equipment that uses VHF frequencies approved by the Federal Communications Commission."

The bill also clarifies that the citizen's band radio and two-way radio exemption applies to the entire act prohibiting the use of hand-held wireless telephones and electronic communication devices while operating a motor vehicle.

As reported by the committee, this bill is identical to Assembly Bill No. 2542, also reported by the committee on this same date.



# ASSEMBLY, No. 2542

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 16, 2010

**Sponsored by:**

**Assemblyman ALEX DECROCE**

**District 26 (Morris and Passaic)**

**Assemblyman DAVID P. RIBLE**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Assemblywoman Pou, Assemblyman Johnson and Assemblywoman Quigley**

**SYNOPSIS**

Exempts 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.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/7/2010)**

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3 c. 310.

4  
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15 placement does not interfere with the operation of federally required  
16 safety equipment and the operator exercises a high degree of  
17 caution in the operation of the motor vehicle. For the purposes of  
18 this section, an "electronic communication device" shall not include  
19 an amateur radio.

20 Nothing in P.L.2003, c.310 (C.39:4-97.3 et seq.) shall apply to  
21 the use of a citizen's band radio or two-way radio by an operator of  
22 a moving commercial motor vehicle or authorized emergency  
23 vehicle on a public road or highway.

24 b. The operator of a motor vehicle may use a hand-held  
25 wireless telephone while driving with one hand on the steering  
26 wheel only if:

27 (1) The operator has reason to fear for his life or safety, or  
28 believes that a criminal act may be perpetrated against himself or  
29 another person; or

30 (2) The operator is using the telephone to report to appropriate  
31 authorities a fire, a traffic accident, a serious road hazard or medical  
32 or hazardous materials emergency, or to report the operator of  
33 another motor vehicle who is driving in a reckless, careless or  
34 otherwise unsafe manner or who appears to be driving under the  
35 influence of alcohol or drugs. A hand-held wireless telephone  
36 user's telephone records or the testimony or written statements from  
37 appropriate authorities receiving such calls shall be deemed  
38 sufficient evidence of the existence of all lawful calls made under  
39 this paragraph.

40 As used in this act **[, ]** :

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44 service use.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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9 that uses VHF frequencies approved by the Federal  
10 Communications Commission.

11       "Use" of a wireless telephone or electronic communication  
12 device shall include, but not be limited to, talking or listening to  
13 another person on the telephone, text messaging, or sending an  
14 electronic message via the wireless telephone or electronic  
15 communication device.

16       c. (Deleted by amendment, P.L.2007, c.198).

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19 points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall  
20 be assessed for this offense.

21       f. The Chief Administrator of the New Jersey Motor Vehicle  
22 Commission shall develop and undertake a program to notify and  
23 inform the public as to the provisions of this act.

24       g. Whenever this section is used as an alternative offense in a  
25 plea agreement to any other offense in Title 39 of the Revised  
26 Statutes that would result in the assessment of motor vehicle points,  
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28 section 1 of P.L.2000, c.75 (C.39:4-97.2), including the surcharge  
29 imposed pursuant to subsection f. of that section, and a conviction  
30 under this section shall be considered a conviction under section 1  
31 of P.L.2000, c.75 (C.39:4-97.2) for the purpose of determining  
32 subsequent enhanced penalties under that section.

33 (cf: P.L.2007, c.198, s.1)

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#### STATEMENT

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42 authorized emergency vehicles on a public road or highway from  
43 the current law that makes it a primary motor vehicle offense to use  
44 a hand-held wireless telephone or electronic communication device  
45 while driving.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2542**

**STATE OF NEW JERSEY**

DATED: MAY 6, 2010

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2542.

Assembly Bill No. 2542 exempts the use of a citizen's band radio or a two-way radio by operators of moving commercial motor vehicles or authorized emergency vehicles on a public road or highway from the current law that makes it a primary motor vehicle offense to use a hand-held wireless telephone or electronic communication device while driving.

Under the bill, a citizen's band radio is defined as a "mobile communication device designed to allow for the transmission and receipt of radio communications on frequencies allocated for citizen's band radio service use." A two-way radio is defined as "two-way communications equipment that uses VHF frequencies approved by the Federal Communications Commission."

The bill also clarifies that the citizen's band radio and two-way radio exemption applies to the entire act prohibiting the use of hand-held wireless telephones and electronic communication devices while operating a motor vehicle.

As reported by the committee, this bill is identical to Senate Bill No. 1429, also reported by the committee on this same date.