Prohibiting the Use of a Cell Phone by a Person Who Only Holds a Driver’s Instruction Permit

This Act prohibits a person driving under an instruction permit from using a cellular phone or other mobile communication device while driving. Under the Act, a violation would be considered a “secondary” offense and law enforcement officers would be prohibited from citing a driver for using a cellular phone while driving unless the driver was stopped for another alleged violation. The bill also provides exceptions for reporting emergencies.

Submitted as:
Colorado
HB 05-1137
Status: Enacted into law in 2005.

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “An Act Concerning the Regulation of the Use of Mobile Communication Devices by Permitted Drivers in Motor Vehicles.”

Section 2. [Definitions.]

(1) As used in this section, unless the context otherwise requires:

(a) “Emergency” means a situation in which a person:

(i) Has reason to fear for such person's life or safety, or believes that a criminal act may be perpetrated against such person or another person requiring the use of a mobile communication device while the car is moving; or

(ii) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) Mobile communication device” means a cellular telephone or other device that enables a person in a motor vehicle to transmit and receive audio signals to and from a person or audio recording device located outside the motor vehicle.

(2) No person who holds a temporary instruction permit or a minor’s instruction permit pursuant to [insert citation] shall use a mobile communication device while operating a motor vehicle. This section shall not apply to a person who is using the mobile communication device:

(a) To contact a public safety entity;

(b) While the vehicle is lawfully parked; or

(c) During an emergency.

(3) Any person who operates a motor vehicle in violation of this section commits a [Class A traffic infraction] as defined in [insert citation].

(4) An operator of a motor vehicle shall not be cited for a violation of this section unless such operator was stopped by a law enforcement officer for an alleged violation of other than a violation of this section.

Section 3. [Severability.] [Insert severability clause.]

Section 4. [Repealer.] [Insert repealer clause.]

Section 5. [Effective Date.] [Insert effective date.]