

*Harold Brazil* 1  
Councilmember Harold Brazil 2

A BILL 3

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 5

Councilmember Harold Brazil introduced the following bill, which was referred to 6  
the Committee on \_\_\_\_\_ . 7

To enhance driving safety by restricting the use of hand-held telephones by 8  
operators of moving motor vehicles, by providing penalties for the 9  
violations, by requiring the Metropolitan Police Department to include on 10  
motor vehicle accident reports information about the possible use of hand- 11  
held telephones by drivers involved in motor vehicle accidents, by requiring 12  
the Department of Motor Vehicles to publish statistics regarding the 13  
relationship between motor vehicle accidents and the use of mobile 14  
telephones, by requiring the Mayor to submit an annual report to the Council 15  
concerning motor vehicle safety and by increasing public dialogue and 16  
education about distracted driving, and by banning the use of cell phones by 17  
school bus drivers; and to amend Title 18 of the District of Columbia 18  
Municipal Regulations to conform to the penalties provided under this act. 19

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF 20

COLUMBIA, That this act may be cited as the "Responsible Use of Cell Phones 21

Act of 2003". 22

Sec. 2. Definitions. 23

For the purposes of this act, the term: 24

(1) "Hands-free device" means an attachment, add-on, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that when used allows the vehicle operator to maintain both hands on the steering wheel.

(2) "Mobile telephone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone messages without an access line for service.

(3) "Use" means talking, placing or receiving a call, or attempting to place or receive a call, on a mobile telephone.

Sec. 3. Restricted use of mobile telephone.

(a) A person shall not use a mobile telephone while operating a motor vehicle in the District of Columbia unless the telephone is equipped with a hands-free device and the driver uses the hands-free device.

(b) This section shall not apply to the following:

(1) *Emergency use of a mobile telephone, including calls to 911 or 311, 727-1010, a hospital, a health clinic, a medical doctor's office, an ambulance service provider, a fire department, a law enforcement agency, or a first-aid squad;*

(2) Use of a mobile telephone by law enforcement and safety personnel or by a driver of an authorized emergency vehicle, acting within the

scope of official duties; or 1

(3) Dialing a telephone number, entering information necessary to 2  
initiate communications, hanging up the telephone, or turning the telephone on or 3  
off. 4

Sec. 4. Penalty enhancement. 5

Subsection 2600.1 of title 18 of the District of Columbia Municipal 6  
Regulations is amended by increasing the fine for failure to give full time and 7  
attention to the operation of a vehicle, section 2213.4, to \$100 per violation. 8

Sec. 5. Enforcement. 9

(a) The penalty for violating section 3 shall be a fine of \$100; 10

(b) The driver record of a person who has violated this act shall be assigned 11  
one point. Title 18 District of Columbia Municipal Regulations, section 303.1, 12  
shall be amended consistent with this subsection. 13

(c) Subsection 303.1 of title 18 of the District of Columbia Municipal 14

Regulations is amended by adding a new paragraph (r) to read as follows: 15

"(r) Using a mobile telephone without a hands-free device while operating a 16  
motor vehicle . . . . . 1 point." 17

(d) A violation of the provisions of section 3 shall be processed and 18  
adjudicated under the provisions applicable to moving violations set forth in Title 19

II of the District of Columbia Traffic Adjudication Act of 1978, effective 1  
September 12, 1978 (D.C. Law 2-104; D.C. Code § 40-611 *et seq.*). 2

Sec. 6. Rules. 3

The Mayor, pursuant to Title I of the District of Columbia Administrative 4  
Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code § 1-1501 *et* 5  
*seq.*), shall issue rules to implement the provisions of this act. 6

Sec. 7. Police officer's report. 7

(a) Whenever the Metropolitan Police Department ("MPD") makes a written 8  
report on an accident involving a motor vehicle, the report shall include the 9  
following information: 10

(1) whether a mobile telephone was present in the motor vehicle; and 11

(2) whether the use of a mobile telephone by a motor vehicle operator 12  
may have contributed to the cause of the accident; 13

(3) the name of the insurance carrier for each involved motorist; 14

(4) the insurance policy number concerning each involved motorist; 15

(5) the insurance agent for each policy; 16

(6) the coverage period for each policy. 17

(b) The MPD shall provide a copy of each accident report to the Department 18  
of Motor Vehicles. 19

Sec. 8. Report by the Department of Motor Vehicles.

(a) The Department of Motor Vehicles shall annually publish submit a report to the Council containing statistics regarding the possible relationship between motor vehicle accidents in the District of Columbia and the use of mobile telephones by motor vehicle operators.

(b) The Department of Motor Vehicles shall annually submit a report to the Council concerning the number of motor vehicle accidents in the District of Columbia, the number of motor vehicle accidents in the District of Columbia in which a motorist did not have a valid insurance policy in effect at the time of the accident, and the number of motorists operating a vehicle without a valid insurance policy who were issued fines under the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Code 35-2101, et seq.). The report shall include the number of accidents in which the use of a mobile telephone may have been a contributing factor to the accident and, for each such accident, the number of accidents in which a motorist did not have a valid insurance policy in effect at the time of the accident. The report shall include specific actions that the Department of Motor Vehicles has taken to prevent uninsured motorists from operating motor vehicles in the District of Columbia.

Sec. 9. Report by the Mayor.

The Mayor shall collect information as to the role that the use of mobile phones may have as a contributing factor to motor vehicle accidents in the District of Columbia and shall make findings with respect to information collected under section 7 and section 8. The Mayor shall, within 2 years and 6 months after the effective date of this act, submit a report to the Council containing recommendations concerning the use of mobile telephones in motor vehicles. The report shall include a recommendation as to whether the termination provision of this act should be amended or repealed.

Sec. 10. Education.

The Mayor shall develop and distribute public education material to educate the public with respect to the dangers of driving while distracted.

Sec. 11. Restrictions pertaining to school bus drivers.

A person shall not use a mobile telephone while operating a school bus that is carrying passengers; provided that this subsection shall not apply to a school bus driver who places an emergency call to 911, an ambulance service provider, a fire department, or a law enforcement agency or school officials.

Sec. 12. Expiration.

This act shall expire 3 years after its effective date.

Sec. 13. Appropriations.

This act is subject to the availability of appropriations.

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Sec. 14. Fiscal impact statement.

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The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233 (c)(3)).

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Sec. 15. Effective date.

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This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(1)), and publication in the District of Columbia Register.

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