

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To enhance 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 require the Metropolitan Police Department to include on motor vehicle accident reports information about the use of mobile telephones or other distractions by drivers involved in an accident; to require the District Department of Transportation to publish statistics regarding the relationship between motor vehicle accidents and the use of mobile telephones; to establish penalties for a violation of this act; and to increase public dialogue and education about distracted driving.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Distracted Driving Safety Act of 2004".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Distracted driving" means inattentive driving while operating a motor vehicle that results in the unsafe operation of the vehicle where such inattention is caused by reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using personal communications technologies, or engaging in any other activity which causes distractions.

(2) "Hands-free accessory" means an attachment, add-on, built-in feature, 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.

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

(4) "Other electronic device" includes, but is not limited to, hand-held computers, pagers, and video games.

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

Sec. 3. Prohibition on distracted driving.

Distracted driving shall be prohibited. A person found guilty of distracted driving shall be subject to the fines and penalties set forth in section 6(a).

Sec. 4. Restricted use of mobile telephone and other electronic devices.

(a) No person shall use a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory.

(b) The provisions of this section shall not apply to the following:

(1) Emergency use of a mobile telephone, including calls to 911 or 311, a hospital, 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 emergency personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties; or

(3) Initiating or terminating a telephone call, or turning the telephone on or off.

Sec. 5. Additional restrictions on use of mobile telephone or other electronic devices by school bus drivers and holders of learner's permits.

(a) A person shall not use a mobile telephone or other electronic device, including those with hands-free accessories, while operating a moving school bus that is carrying passengers; provided, that this section shall not apply to a school bus driver who places an emergency call to school officials or to the exceptions set forth in section 4(b).

(b) A person who holds a learner's permit shall be prohibited from using any mobile telephone or other electronic device, including those with hands-free accessories, while operating a moving motor vehicle on a public highway except in an emergency, as set forth in section 4(b).

Sec. 6. Enforcement; fines and penalties.

(a) The penalty for violating section 3, 4, or 5 shall be a fine of \$100; provided, that the fine shall be suspended for a first time violator who, subsequent to the violation but prior to the imposition of a fine, provides proof of acquisition of a hands-free accessory of the type required by this act.

(b) A violation of the provisions of section 3, 4 or 5 shall be processed and adjudicated under the provisions applicable to moving violations set forth in Title II of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.01 *et seq.*).

Sec. 7. Police officer's report.

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

- (1) Whether a mobile telephone or other electronic device was present in the motor vehicle;
- (2) Whether the use of a mobile telephone or other electronic device by a motor vehicle operator may have contributed to the cause of the accident; and
- (3) Whether any other distraction may have contributed to the cause of the accident.

(b) The MPD shall provide a copy of each accident report to the District Department of Transportation.

Sec. 8. Education.

The Director of the Department of Motor Vehicles shall include educational information on the use of mobile telephones and other electronic devices while driving in the District’s Driver and Motorcycle Operator’s Study Guide. The Director shall also include questions pertaining to distracted driving and mobile telephone usage while driving on the driver’s license exam.

Sec. 9. Reporting requirements.

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

(b) 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 or other electronic devices in motor vehicles. The report shall include a recommendation as to whether the provisions of this act should be amended.

Sec. 10. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 11. Applicability date.

This act shall apply as of July 1, 2004.

Sec. 12. Fiscal impact statement.

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. Official Code § 1-206.02(c)(3)).

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Sec. 13. Effective date.

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), 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 § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia