



# Legislative Report

## The tale of two cities bills



### From the Strike Force:

Well, the session has started off with lots of new things, especially in the hands-free area. We talked with Representative Taylor about Representative Popes bill H 3276, and he said he is in support of any hands-free legislation and added his name as a co-sponsor on that bill.

Another thing of notice is the chairman of the Judiciary committee that the hands-free bills will need to go through has added his name as a co-sponsor to H 3276 also. Chairman Weston Newton is crucial to any of these bills getting a hearing.

We are asking all our Representatives and Senators for co-sponsorship of these bills.

**Hands Free H 3536 and its companion bill S 90:** S 90 was introduced by Senator Young with co-sponsorship by Senator Bennett. H 3536 was introduced by Representative Taylor with co-sponsorship Representative Mc Ginnis and Forrest. Currently both H 3536 and S 90 have similar languages including for the penalty section.

*(D)(1) A person who is adjudicated to be in violation of this section is guilty of distracted driving and, upon conviction:*

*(a) for a first offense, must be fined one hundred dollars, no part of which may be suspended; and*

*(b) for a second or subsequent offense, must be fined two hundred dollars, no part of which may be suspended, and must have two points assessed against his motor vehicle operating record.*

**Hands Free H 3276:** H 3276 was introduced by Representative Pope with co-sponsorship by Representatives Robbins, Chapman, W. Newton, Taylor and Forrest. Currently H 3276 has similar language to the bills above, but the penalty section has added language for great bodily injury or death.

*(D)(1) A person who is adjudicated to be in violation of the provisions of this section is guilty of distracted driving and, upon conviction:*

*(a) for a first offense, must be fined not more than twenty-five one hundred dollars, no part of which may be suspended;*

*(b) for a second or subsequent offense, must be fined two hundred dollars, no part of which may be suspended, and must have two points assessed against his motor vehicle operating record;*

*(c) if the violation causes great bodily injury, must be fined one thousand dollars and sentenced to not more than five years. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or*

*(d) if the violation causes death, is convicted of a felony and must be fined five thousand dollars and imprisoned not more than five years.*

*(2) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted of violations in subsections (D)(1)(c) and (d).*

*(3) Excluding violations in subsections (D)(1)(c) and (d), only those offenses which occurred within three years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this subsection. A person who has been adjudicated to be in violation of this section, and the violation causes great bodily injury, must be fined one thousand dollar and sentence to not more than one year.*