

CHAPTER 256  
HB 1360 – FINAL VERSION

5Mar2014... 0376h  
04/17/14 1334s

2014 SESSION

14-2002  
03/01

HOUSE BILL            ***1360***

AN ACT                relative to use of certain electronic devices while driving.

SPONSORS:            Rep. Pantelakos, Rock 25; Rep. Theberge, Coos 3; Rep. Burrige, Ches 16

COMMITTEE:          Transportation

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AMENDED ANALYSIS

This bill prohibits the use of certain electronic devices while driving.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears [~~in brackets and struck through.~~]  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to use of certain electronic devices while driving.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           256:1 New Section; Serious Traffic Offenses; Use of Mobile Electronic Devices. Amend RSA 265  
2 by inserting after section 79-b the following new section:

3           265:79-c Use of Mobile Electronic Devices While Driving; Prohibition.

4           I.(a) No person, while driving a moving motor vehicle upon a way or temporarily halted in  
5 traffic for a traffic control device or other momentary delay, shall use any hand-held mobile  
6 electronic device capable of providing voice or data communication, including but not limited to:  
7 reading, composing, viewing, or posting any electronic message; or initiating, receiving, or  
8 conducting a conversation; or initiating a command or request to access the Internet; or inputting  
9 information into a global positioning system or navigation device; or manually typing data into any  
10 other portable electronic device. An operator of a motor vehicle who holds a cellular telephone or  
11 other electronic device capable of voice communication in the immediate proximity of his or her ear  
12 while such vehicle is in motion is presumed to be engaging in a call within the meaning of this  
13 section.

14           (b) “Driving,” for the purposes of this section, shall not include when a person is behind  
15 the controls of a vehicle that has pulled to the side of or off the road at a location where it is legal to  
16 do so and where the vehicle remains stationary.

17           II. It shall not be an offense under this section for any person driving a motor vehicle upon a  
18 way:

19           (a) To make use of a cellular telephone or other electronic device capable of voice  
20 communication to report an emergency to the enhanced 911 system or directly to a law enforcement  
21 agency, fire department, or emergency medical provider.

22           (b) To use one hand to transmit or receive messages on any non-cellular 2-way radio.

23           (c) To use a Bluetooth enabled or other hands-free electronic device, or a similar device  
24 that is physically or electronically integrated into a motor vehicle, for such a purpose to send or  
25 receive information provided the driver does not have to divert his or her attention from the road  
26 ahead. As used in this section, “hands-free electronic device” means a mobile electronic device that  
27 has an internal feature or function, or that is equipped with an attachment or addition, whether or  
28 not permanently part of such mobile electronic device, by which a user engages in conversation

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1 without the use of either hand; provided, however, this definition shall not preclude the use of either  
2 hand merely to activate, deactivate, or initiate a function of the telephone.

3           III. Any person who violates this section shall be guilty of a violation and shall be fined \$100  
4 plus penalty assessment for a first offense, \$250 plus penalty assessment for a second offense, and  
5 \$500 plus penalty assessment for any subsequent offense within a 24-month period.

6           IV. No person less than 18 years of age shall use a cellular or mobile telephone or other  
7 mobile electronic device, whether hands-free or not, while driving a motor vehicle in motion or  
8 temporarily stopped in traffic upon any way, except to report an emergency to the enhanced 911  
9 system or any public safety agency. A person violating this paragraph shall be subject to the fines in  
10 paragraph III and license suspension or revocation under RSA 263:14, III.

11           256:2 Public Education Program. The commissioner of safety, with the assistance of the  
12 highway safety agency, the department of transportation, and other available public and private  
13 sector participation, and subject to funding including any federal funds, shall, prior to the effective  
14 date of section 1 of this act, develop and initiate a targeted public education program including, but  
15 not limited to, media releases, participation in available talk shows and public service  
16 announcements, driver education classes, signage, use of electronic message boards, notices or  
17 handouts at division of motor vehicles facilities, roadside rest area buildings, and other state-owned  
18 facilities, and other available means to alert the driving public to the passage of this act.

19           256:3 Effective Date.

20           I. Section 1 of this act shall take effect July 1, 2015.

21           II. The remainder of this act shall take effect upon its passage.

22 Approved: July 25, 2014

23 Effective Date:    I. Section 1 shall take effect July 1, 2015

24                           II. Remainder shall take effect July 25, 2014