

Legislative History for Connecticut Act

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<b>Act Number:</b> 159	2005
<b>Bill Number:</b> 6722	
<b>Senate Pages:</b> Senate: 3517-3586	70
<b>House Pages:</b> House: 2585-2640, 2662-2691	86
<b>Committee:</b> Transportation: 1364, 1365, 1437-1439, 1563-1567	10

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
and House of Representatives Proceedings

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S-514

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
2005

VOL. 48  
PART 11  
3255-3586

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Calling from the Senate Calendar for Thursday,  
June 2<sup>nd</sup>, 2005, Calendar Page 21, matter previously  
marked Order of the Day.

Calendar 431, Files 290 and 595, Substitute for  
H.B. 6722, An Act Concerning the Use of Hand-held  
Mobile Telephones by Operators of Motor Vehicles, as  
amended by House Amendment Schedule "A" and "B",  
Favorable Report of the Committees on Transportation,  
Judiciary, Finance, Revenue and Bonding, and Energy  
and Technologies. Clerk is in possession of  
amendments.

THE CHAIR:

The gentleman from the 9<sup>th</sup> District, Senator  
Ciotto.

SEN. CIOTTO:

Thank you very much, Mr. President. Mr.  
President, I move for acceptance of the Joint  
Committee's Favorable Report and passage of the bill  
in accordance with the House.

THE CHAIR:

The gentleman has moved passage. Please proceed,  
Sir.

SEN. CIOTTO:

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Thank you, Mr. President. This is the so-called cell phone bill which has been lingering in this Legislature about seven years and received a very favorable vote in the House of Representatives several weeks ago.

It's now before us here today. And it's no secret in this Chamber. Many of you know two years ago I was one of the strongest opponents of this bill.

So much so that I received a lot of unnecessary credit for being the powerful Chairman of the Transportation Committee who was able to defeat and stop this bill in its tracks.

Of course, reporters have a way with words, and I'm sure those of my colleagues know full well I am not that powerful Chairman. I'm just another humble Senator representing my district, the 9<sup>th</sup> District, the most beautiful people in the State of Connecticut.

Having said that, the cell phone that I knew two and three years ago is no longer the cell phone that I know.

Today, a cell phone can take your picture, you can get your email, you can hook it up with a Blackberry or a blueberry. There are more electronic

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devices that come along. It's come a long way. It's much more distracting today than it was then.

And now what this bill will do, this bill restricts cell phone use while operating a motor vehicle. It restricts a driver from using a mobile telephone while operating a motor vehicle, unless the driver is using a hands-free telephone or is placing a call in response to an emergency situation.

A driver may so activate, deactivate, or initiate a call. These means he can turn the phone on and off and can still dial a number.

Also under this bill, calls made in the case of an emergency and calls by emergency personnel made while in the performance of their official duties are exempted.

The other key components in this distracted driving provision, the bill creates a secondary offense for engaging in any distracted driving behavior.

This means if you commit a moving violation while engaging in any distracted driving behavior, you can get a fine for the distractive behavior in addition to the one that you get for the moving violation.

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The bill also prohibits 16- or 17-year-old drivers from using either a hands-free or handheld mobile phone.

And I say the bill is a product of several years of debate and negotiation. This session, I support its passage. Thank you, Mr. President.

THE CHAIR:

Thank you, Sir. Will you remark further?

Senator Kissel.

SEN. KISSEL:

Sorry, I had a candy in my mouth. Thank you very much, Mr. President. Through you, Mr. President, to the proponent.

THE CHAIR:

Senator Ciotto, please prepare yourself. Senator Kissel.

SEN. CIOTTO:

Yes, Sir.

SEN. KISSEL:

You know, fundamentally, I have a hard time with this bill and responding to my constituents.

People driving an automobile, they can have a cigarette. They can have a cigar. They can have a

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pipe. They can be playing with the radio. They can have a cassette deck, a CD deck, if it's a really old car, they might have an eight track.

They go through a drive-thru restaurant.

Drive-thru's have been promulgating in the State of Connecticut for decades. They can have a Coca-Cola, Diet Coca-Cola. They can have a hamburger.

And they can do all these things while driving if they reasonably believe that they can keep their eyes on the road.

I just don't understand why we are focusing on handheld telephones to the exclusion of everything else that may cause a driver to momentarily take their eyes off the road.

And if you could, through you, Mr. President, why are we so obsessed with handheld cell phones?

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Through you, Mr. President, Senator Kissel, an excellent question. And I don't know if there is a question of obsession, but if you can go around this Chamber, and you can ask almost any Member here, if

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they see somebody with a cell phone that's making an improper turn, or not moving along quick enough, or observing the speed limit, or perhaps going much speedier than they should be, these all become causes for alarm.

And I can concur the cell phone is not the number one cause for distracted driving. In fact, surveys done by many universities and Department of Motor Vehicles, special agencies, come up with the fact that the cell phone ranks sixth or seventh.

There are other distractions, including playing the radio, talking to passengers in the car. I can go on and on. The cell phone has already, in three states, been banned from being held while you're, in the proximity of your ear, while you're operating a motor vehicle.

That's the best answer I can give you to that question, Senator, through you, Mr. President.

THE CHAIR:

Will you remark further? Senator Kissel.

SEN. KISSEL:

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Thank you very much. And I appreciate the candor of my good friend and colleague from the great Town of Wethersfield, Senator Ciotto.

But if cell phones, handheld cell phones, are sixth or seventh on the list of things that cause a driver to be distracted, and yet we're not about this afternoon banning or making it criminal or an infraction to engage in those other activities.

Again, is it simply because cell phones are an easy target? Or perhaps is it because we've been working on this bill, as the proponent says, for a number of years, and its time has finally come, and maybe down the road we'll get to those other distractive devices and activities?

What is it about cell phones, to the exclusion of everything else that drivers have, that causes us to make this particular device against the law in the State of Connecticut?

And indeed, if there are two or three other states out there that have gone down this route, wouldn't that, wouldn't it also be fair to say that there's the vast majority, in excess of 40 other

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states, that have not embraced that law, through you,  
Mr. President?

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Thank you. Through you, again, Mr. President, to  
Senator Kissel. There are three, well, District of  
Columbia, New York, and New Jersey currently have  
these bans on. There are approximately 12 to 20 other  
states considering this type of legislation.

And again, I don't think whatever answer I give  
you, Senator Kissel, would be acceptable except to say  
that I concur there are other distractions. I've said  
that all along.

And in this bill here, if you're involved with  
another one of these distractions along with the  
misuse of the cell phone, there'll be two fines  
applied, as I understand the bill.

THE CHAIR:

Will you remark further? Senator Kissel

SEN. KISSEL:

Yes, Sir. And through you, Mr. President, it's  
my understanding that in the compromise legislation

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that we have before us, that several people have worked very, very hard on over the years, that there are some exceptions that one can actually use a cell phone if one is engaged in certain activities.

There are exceptions within the bill which carve out things. I think one of them might be a medical emergency. If the proponent could, again, and I apologize if I missed it the first time, but sort of go over what those exceptions are so the public is aware, through you, Mr. President.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Just a moment please, Mr. President. I'll find those for you. Police emergency, fire personnel, ambulance personnel, and there are provisions in the bill for, I believe, for taxi cab drivers and tow truck drivers.

But I believe there will be amendments that are going to be coming along to clean up those deficiencies, but not in this bill. I have been assured by the people in my caucuses that we have

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another vehicle to put this on to correct these deficiencies.

THE CHAIR:

Senator Kissel.

SEN. KISSEL:

Thank you very much, Mr. President. And would someone being called, let's say they're a volunteer firefighter in a community and they hear the sound go off, because that's how that community operates. They have the big horn.

I remember I grew up in the Town of Windsor, and they had one of those big horns. You could hear them all over town.

Let's say you hop in your vehicle, and you're heading off to the station, and you want to know what kind of fire you're fighting. Would the exception cover that volunteer firefighter, that they could use their cell phone, through you, Mr. President?

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Through you, Mr. President, the town of Windsor also still uses that big horn, Senator Kissel. And I

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would have to, I believe, yes, a firefighter, a volunteer firefighter on the way to a fire would be considered part of an emergency and would be allowed to use their handheld phone.

THE CHAIR:

Senator Kissel.

SEN. KISSEL:

Thank you. And it's my understanding when the bill was before us on the Judiciary Committee there was some concerns regarding the personal fear of one's safety exception.

And what is the current status of this legislation before us today regarding if an individual is fearful for their own safety? Would that be an exception? That they could be driving, let's say, and I can paint a perfect example too.

Let's say you're driving along a road. You see somebody throw on a police light behind you, but it doesn't look like, no other markings. It's sort of late at night, and you might be fearful of your own safety because we know that some perpetrators of crime use that ruse to actually get their victims to pull over.

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So let's say you didn't really know what was going on. You want to be able to keep driving. You don't want to stop. But you want to call 911 and maybe alert someone that I have some concerns.

Would that be a proper exception to the underlying ban on use of handheld cell phones, through you, Mr. President?

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Thank you. Through you, again, Senator Fonfara, to Senator Kissel, yes, I believe that would be a proper exception. Anytime you feel you're in danger and your life is being threatened, you're unsure if you're being followed by somebody who may appear to be a police officer, I would feel that this law would allow that.

THE CHAIR:

Senator Kissel.

SEN. KISSEL:

Thank you. I have no other questions at this time for the proponent. I appreciate his earnestness

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and candor in bringing the bill out and answering my questions.

I just think that there's enough grown-ups in my district, enough folks that are reasonable, responsible adults. Cell phones have become part and parcel of our society.

An awful lot of business is done on cell phones. A lot of folks are very reasonable in their utilization of cell phones, and a lot of people can drive safely while utilizing a cell phone that we shouldn't allow the tail to wag the dog.

Yes, indeed, there are individuals out there that don't take proper precautions that are irresponsible drivers. Indeed, in my Town of Enfield, I just had a petition go through where we had to reduce the speed limit on one of our roads, 190 Hazard Avenue, as you're coming across the Suffield Bridge, you might be familiar with that.

And so I don't know whether I'm just getting older or my perception of young people that I feel that they're just driving a little bit faster and a little more reckless. And maybe the whole cell phone

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issue is part of that overall concern with safety on the roads.

But as a whole, as a group, I think people in our society are more reasonable than not. I have great confidence in their driving skills. I don't think this legislation is needed.

I think that for one to fall under one of the exceptions might be cumbersome and difficult. Granted it's incumbent upon the police to, or the justice system, to prove this case, and so the burden of proof is on the State.

But again, I know that some of my colleagues have felt very strongly about this issue over the years. But I have to say that, year in and year out, I have opposed this legislation. I continue to oppose this legislation.

And while I respect those proponents that feel so strongly about this issue, I think that we have to, as we debate these bills and this law, we have to take proper measure of how many good drivers are out there. How many people can utilize this?

And if it is sixth or seventh on the list of distractions, why indeed are we legislating against

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it? I think it's unnecessary, and I urge my  
colleagues in the Circle to vote no on the underlying  
bill. Thank you very much, Mr. President.

THE CHAIR:

Thank you, Sir. Will you remark further?

Senator Ciotto.

SEN. CIOTTO:

If I might. I would say three years ago there  
were half a million cell phones sold and in use in the  
State of Connecticut. Today, I'm told there are over  
two million. The cell phone has almost changed  
everybody's life in this room and out of this room  
here.

Many years ago, your automobile came along. It  
was responsible for changing our way of life. This  
cell phone, whether we like it or not, is playing an  
important part in that change. I just would like to  
point that out to the Members of the Chamber.

Thank you very much, Senator.

SEN. KISSEL:

Thank you, Sir.

THE CHAIR:

Will you remark further? Senator Freedman.

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SEN. FREEDMAN:

Thank you, Mr. President. I rise in support of the bill, and I would like to commend Senator Ciotto for finally coming around and seeing the light. It's been a long time in coming before this Chamber, and hopefully, passing through this Chamber.

I just want to make clear for the record, through you, Mr. President, that we're not banning somebody's use of the phone. We're just saying that it must be a hands-free device when they are using the phone in their car.

Through you, Mr. President, to Senator Ciotto.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

I'm sorry, that compliment you through me, Madam, kind of made me forget what you were saying. I'm glad I came around also, as you would say. But what is the question posed to me?

THE CHAIR:

Senator Freedman.

SEN. FREEDMAN:

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Though you, Mr. President, the question is that through this legislation, we're just saying that you cannot hold the cell phone in your hand. It can be used in a hands-free device while you are driving.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Yes, I would say that. I would say that, through you, Mr. President.

SEN. FREEDMAN:

Thank you. And then all the exceptions that my colleague, Senator Kissel, talked about were allowing people to actually take the phone out of the hands-free device, pick it up, put it to their ear, in those emergency or situations that, you know, were vital, through you, Mr. President.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Yes. Through you, Mr. President, the answer to Senator Freedman is absolutely. Yes.

THE CHAIR:

Will you remark further?

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SEN. FREEDMAN:

Thank you. Yes, Mr. President.

THE CHAIR:

Senator Freedman.

SEN. FREEDMAN:

As I demonstrated, and I don't believe I have any more questions of Senator Ciotto. So if he'd like, we could sit down and relax.

SEN. CIOTTO:

Thank you very much, Senator Freedman. I'll stand because I'm sure there will be others taking some good questions, which they're certainly entitled to prepare and present to me yet.

SEN. FREEDMAN:

I just wanted to make--

THE CHAIR:

--Senator Freedman. You have the floor, Madam.

SEN. FREEDMAN:

--make the comment that a few years ago, I presented all those devices that were available. Now as new cars are being developed, they're actually building these things into the cars so that you don't

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really have a true need to pick up the phone and put it next to your ear.

When we talk about distracted driving, yes, there are a lot of other things going on in our automobiles. But I think we've learned how, at least as adults, to address those issues.

The cell phone, as Senator Ciotto pointed out, is no longer just a phone. It's capable of email. It's capable of messaging. It's capable of a lot of things which do cause you to take your eyes off the road.

I've had those encounters with other people, making a turn, driving with one hand, talking with the other hand, on their cell phone, and they are what I would call close encounters to accidents.

And although this may not be at the top of the list for creating accidents, I do believe with so many more people having access to cell phones, we are able to, by going hands-free at least, prevent some of those accidents from occurring.

So once again, I want to commend Senator Ciotto for helping us get this bill going once and for all.

THE CHAIR:

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Thank you, Madam. Will you remark further?

Senator Nickerson.

SEN. NICKERSON:

Thank you, Mr. President. I, too, join with the Chairman of urging adoption of this road safety bill. Let's be clear what we're talking about. We're talking about saving lives and saving limbs.

Thirty-six thousand Americans are killed on the road every year. A hundred a day are killed every year. And obviously, a small percentage of those may be attributable to cell phones, but a significant enough percentage so we should pay attention.

Lives will be saved. That's what we're talking about here. Let me respond to a couple of questions which I've heard on the floor today, and I've heard in the dialogue on this issue, and hopefully share some thoughts on the answers.

Question number one. Why now? The reason why we should do this now is that there have been two changes in the sphere of cell phones. One is their proliferation. They are everywhere. And in cars, to a greater degree than ever was before, last year or the year before.

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But at the same time, the technology of telephones has changed so that the use of hands-free equipment is readily available and a convenience to cell phone users.

And therefore, we have more cell phones. We have more hands-free cell phones. And this is just the moment to direct our attention to those dwindling number of users who are not using a hands-free cell phone.

Second question. Is this Big Brother intruding in our lives? Well, I am the first to say that one of the roles we have in the Legislature is to be sure that Big Brother doesn't intrude in our lives.

But when we go down the highway at 60 miles an hour, and when that other driver is coming at us at 60 miles an hour, we're way past the point, in Connecticut and in America, where we intrude in the driver's lives.

You're darn right we intrude in the driver's life. We say you and your passengers have to have a seatbelt. You may not be intoxicated. You have to have a car with brakes and safety equipment, and a whole host of very reasonable restrictions by which we

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govern what you do in an automobile, who does it and what you're doing with a bottle of liquor or with a cell phone while you're in an automobile. So yes, we do intrude in people's lives when other people's lives are at stake.

Finally, let me turn to this third question which I heard very specifically on the floor today. And that was, aren't there other distractions that go on in an automobile?

Of course, there certainly are. But I think the key to dealing with that very legitimate question, interestingly enough, is at the very beginning of this act, which provides in Line 6 that using a cell phone, using a cell phone, means holding it to the user's ear.

Now, you don't hold a hamburger to your ear or if you do, it gets pretty messy. You don't hold a comb to your ear. You don't hold a Coke to your ear, diet or otherwise.

And so what this says is that the use of a cell phone when held by a hand is a continuous action that's likely to be far more distracting than the

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episodic distraction which takes place when you sip  
the Coke and put it down.

Or you comb your hair, or if you had any, you  
would comb your hair. I don't happen to. Or whatever  
it is you do with something else other than a cell  
phone is likely to be episodic, could well be a  
distraction, but is much less likely to be a  
continuous distraction.

Is holding a cell phone in your hand for any  
significant period of time a different kind of  
distraction than those episodic distractions?

You're darn right it is. I've seen drivers, I  
drive an hour and a half, my daily commute, three hour  
round trip. I've seen drivers who are traveling the  
same speed I am, at the speed limit, of course. They  
held it here for an hour.

That is dangerous. To sip the Coke and put it  
down may not be the greatest idea. But it's nowhere  
near the danger of those lengthy and prolonged phone  
calls which we've all seen.

So there is a need for this now. This is not Big  
Brother wantonly intruding in our lives. It is  
appropriate. And finally, it isn't, there are other

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distractions, but this is a special, unique  
distraction of duration.

I would urge adoption, Mr. President.

THE CHAIR:

Will you remark further? Senator McKinney.

SEN. MCKINNEY:

Thank you, Mr. President. Mr. President, I stand  
in support of the bill before us and just wanted to  
add my two cents in. It's been a long time coming.

And we've seen this bill for many years. I've  
supported it. I was a Member of the Transportation  
Committee. And a lot of people have opposed it. A  
lot of people have talked about how this would be a  
burden on people who need to use a phone for business  
in a car.

Others have said that restricting handheld cell  
phone use won't cure all of the problems that are  
distractions to our drivers. And the answer simply is  
that we've seen this work in New York, next door, for  
several years.

If you talk to anyone who lives and drives in New  
York, they will tell you that this has not been any  
hindrance on people from doing business if they need

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to in a car. You can still talk on a phone as long as it's a hands-free device.

It has improved safety. It doesn't cure all of the problems. Senator Nickerson is right. People are still going to eat and drink and do their personal grooming. But we have legislation regarding distracted driving that will care of that.

The bottom line is that this is common sense legislation. We should have done it a couple of years ago, but we're here now. This is a good day for the State of Connecticut.

And I am happy to say that, to my constituents, when I did a survey several years ago, over 80% responded, yes, we want restrictions on use of cell phones in cars.

And I'm happy to say that it's going to happen today, and I urge adoption. Thank you.

THE CHAIR:

Thank you, Sir. Will you remark further?  
Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Mr. President. I also stand in support of this bill. It took me a few years myself

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to support the concept. I think last year was the first time I voted in favor of it.

But I do have a couple of issues with the way the bill is worded. And so, therefore, Mr. President, I have an amendment, LCO 7032. If the Clerk would call and I be allowed to summarize.

[GAVEL]

THE CHAIR:

The Clerk will please call. The gentleman has sought leave to summarize.

THE CLERK:

LCO 7032, which shall be designated as Senate Amendment Schedule "A". It is offered by Senator Cappiello of the 24<sup>th</sup> District.

THE CHAIR:

Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Mr. President. In Lines 51 of the bill, it gives some exclusions to certain drivers that will be exempt from this bill. One of them is a taxi cab driver, a tow truck driver, or someone driving a bus without passengers.

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And, Mr. President, I don't really know why we would be excluding someone driving a taxi cab, or a tow truck driver, or someone who's driving a bus without passengers.

So this amendment would simply eliminate those exclusions by saying that if you have a taxi, if you're driving a taxi, you're driving a tow truck, driving a bus, you are still prohibited from using a cell phone, and I urge adoption.

THE CHAIR:

Will you remark further? Senator Ciotto.

SEN. CIOTTO:

Thank you, Mr. President. And before I speak, I would ask that the amendment be voted upon by roll call.

In Senator Cappiello's amendment, I do not consider it an unfriendly amendment. I just would like to make note.

There are several amendments, and I explained at the outset of my remarks that Substitute H.B. 6959 is the vehicle that we're going to be using to make these corrections, and your amendment will be given the

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necessary consideration at that time, through you, Mr.  
President.

THE CHAIR:

Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Mr. President. And I do appreciate  
and believe Senator Ciotto completely when he says  
that we'll be taking those amendments up in this  
Chamber.

I guess my concern, frankly, is that this bill  
came from the House. I would be afraid that the bill  
that we amend in the future might not be taken up in  
the House.

So I thought I'd propose this and a few other  
amendments on this bill in the hopes that we could get  
the amendments passed, send it back down to the House,  
and pass a much cleaner version of this bill.

But I do appreciate Senator Ciotto's comments.

SEN. CIOTTO:

Well, thank you, and if I might, through you, Mr.  
President, the--

THE CHAIR:

Senator Ciotto.

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SEN. CIOTTO:

--bill that we would be amending, H.B. 6959, is also a House bill and would have to go back down there, Senator.

THE CHAIR:

Senator Cappiello.

SEN. CAPPIELLO:

If that's a question to me from Senator Ciotto, I don't know how important H.B. 6959 is to the people in the Chamber down below. I do know that this bill is an extremely important bill by the House Chairman of Transportation.

So I would, respectfully, ask that the bill be supported today and hopefully we can get the bill through both Chambers and finally pass a clean cell phone ban. Thank you, Mr. President.

THE CHAIR:

Will you remark further? Senator Ciotto.

SEN. CIOTTO:

If I might, through you, Mr. President, I would like to report to Senator Cappiello and all those concerned. I have it on excellent authority that this

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will be done. I just want everybody to rest assured we're not trying to circumvent these amendments.

They will have their hearing, and they will be given due consideration. However, I believe he's called for a roll call vote, so I'd move that we take the roll, Mr. President. Thank you.

THE CHAIR:

Will you remark further on the amendment? Will you remark further? If not, will the Clerk please announce the pendency of a roll call vote. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Members voted? Senator Hartley.  
Senator Prague. Senator Daily.

Have all Members voted? The machine will be--

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[GAVEL]

--All Members have voted. The machine will be locked. Clerk, please announce the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "A".

Total number voting, 35; necessary for adoption, 18. Those voting "yea", 35. Correction, those voting "yea", 11; those voting "nay", 24. Those absent and not voting, 1.

THE CHAIR:

The amendment is defeated. Will you remark further? Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Mr. President. Although I can see how these amendments are probably going to go, I do have another amendment. LCO, where is it here, LCO 7010. If the Clerk will call and I be allowed to summarize.

THE CHAIR:

Clerk, please call and the gentleman is seeking leave to summarize.

THE CLERK:

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jac  
Senate

June 2, 2005

LCO 7010, which will be designated as Senate  
Amendment Schedule "B". It is offered by Senator  
Cappiello of the 24<sup>th</sup> District.

THE CHAIR:

Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Mr. President. This is another, this  
is an actual exemption to the bill, the cell phone  
ban--

THE CHAIR:

Senator Cappiello, will you please move adoption.

SEN. CAPPIELLO:

Oh, I'm sorry. I move adoption, Mr. President.

THE CHAIR:

Please proceed.

SEN. CAPPIELLO:

Thank you. This is a simple exemption of the  
cell phone ban. I received a call from a few  
constituents of mine who are hearing impaired and they  
wear hearing aids.

And they told me it's very difficult to wear a  
hands-free device on their ears, so they can't use  
them. It interferes with their hearing aid in some

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cases. In some cases, they can't put it on because there's no room.

So this would simply give a person who must wear a hearing aid or other amplified audio equipment designed to assist and operate his hearing capacity an exemption to the cell phone ban.

And again, Mr. President, I urge the Senate to support it. Thank you.

THE CHAIR:

Thank you, Sir. Will you remark further?

Senator Ciotto.

SEN. CIOTTO:

Once again I rise in objection to the amendment, and I will state fairly for the record here that this is not an amendment that will be taken up on the Substitute H.B. 6959. This is not one that would be taken up or considered in that bill.

THE CHAIR:

Will you remark further--

SEN. CIOTTO:

And we need, I would ask for a roll call, of course, Mr. President. Thank you.

THE CHAIR:

jac  
Senate

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A roll call will be ordered, Sir. Will you  
remark further? Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Mr. President. If this amendment is  
not going to be taken up on the other bill, then I  
would definitely ask my colleagues to support this  
amendment.

I'm sure this will not affect a great many  
people, but there are, I'm assuming in everyone's  
district, people who are hearing impaired who have to  
wear hearing aids. And I don't think that we would  
want to force them to use something that they can't  
use.

These devices interfere with their hearing or if  
they're very difficult to wear, why wouldn't we want  
to support an amendment like this? Especially if  
we're giving exemptions to other people who I don't  
think, in my opinion, deserve it.

So I would ask the Chamber to please support this  
amendment. Thank you, Mr. President.

THE CHAIR:

Thank you. Will you remark further on the  
amendment? Senator McKinney.

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jac  
Senate

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SEN. MCKINNEY:

Thank you, Mr. President. Mr. President, in support of the amendment, let me just remind my colleagues that this underlying legislation passed the House easily, 116 yea and 24 nay, and the bill has passed the House many years prior to this.

There is absolutely no risk that this bill will not be taken up and passed by the House of Representatives. If there needs to be an exception made for people who are hearing impaired, wear hearing aids, that's, quite frankly, something that we didn't hear in the Transportation.

I'm glad Senator Cappelletto's brought it to our attention. Then we should make this modest change. It will not jeopardize this bill. I've supported this bill since the get go, and I don't believe in one instance it would jeopardize it.

This bill will be passed in a nanosecond. Just as, by the way, the House amended the Nutrition Bill and we took it back up and passed it. The House has amended the Ethics Bill, and we're going to take it back up and pass it.

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jac  
Senate

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June 2, 2005

This does not jeopardize the bill. And it certainly makes an exception for very few people. And is probably, well, is definitely the right public policy, and I urge adoption.

THE CHAIR:

Will you remark further on the amendment? Will you remark further? If not, Mr. Clerk, will you announce the pendency of a roll call vote. The machine will be open.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Members voted? Senator Cook. Senator Prague. Senator Newton. Senator Williams. Senator Hartley. Senator Cook. Senator Williams.

All Members have voted. The machine will be locked. Mr. Clerk, please announce the tally.

THE CLERK:

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jac  
Senate

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June 2, 2005

Motion on adoption Senate Amendment Schedule "B".

Total number voting, 33; necessary for adoption

17. Those voting "yea", 9; those voting "nay", 24.

Those absent and not voting, 3.

THE CHAIR:

The amendment is defeated. Will you remark  
further? Will you remark further? Senator Roraback.

SEN. RORABACK:

Good afternoon, Mr. President, or good evening.

THE CHAIR:

Good afternoon, Sir.

SEN. RORABACK:

How are you? Mr. President, I have a couple of  
questions to Senator Ciotto, if I may, through you?

THE CHAIR:

Senator Ciotto, please prepare yourself. Senator  
Roraback.

SEN. RORABACK:

And first let me say, Mr. President, that I rise  
in support of the bill, and I thank all of the good  
work that Senator Ciotto has done to bring us to this  
point in time.

jac  
Senate

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But through you, Mr. President, to Senator Ciotto, is there a penalty established in this bill if someone is pulled over for using a handheld cell phone, through you, Mr. President?

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Through you, Mr. President, yes, there is a penalty. There is also a clause which helps the petitioner or the violator, if you're stopped, through you, Mr. President, and as a violator of the cell phone ban.

And you go to the prosecutor's office any time before your court date and show that you have purchased the earphone type, you're exonerated. The charges are dismissed.

That's called for under the statute. I believe the fine is \$100, if I'm not mistaken, through you, Mr. President.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

jac  
Senate

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June 2, 2005

Thank you. I appreciate that explanation. And through you, Mr. President, to Senator Ciotto, this is a new offense that we're creating here today, through you, Mr. President?

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Yes, it is.

SEN. RORABACK:

Okay. And--

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

And through you, Mr. President, to Senator Ciotto, I would be curious to know whether, I think this is a good bill. I'm hoping that Senator Ciotto might join me in making it a better bill.

And in order to weigh the foundation of that, through you Mr. President, I was wondering if any of the towns Senator Ciotto represents have ever complained to him that they're not able to retain any of the money that they generate through issuing

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jac  
Senate

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traffic citations, through you, Mr. President, to  
Senator Ciotto.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Thank you, Mr. President. Quite frankly, you  
know honestly, through you to Senator Roraback, no.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

And I, thank you, Mr. President. Senator Ciotto  
is again showing that he is a blessed individual.

If Senator Ciotto were to come into my part of  
the state, he would learn that many of the  
municipalities that I represent say, jeez, we pay our  
municipal police officers to be out there all day long  
issuing tickets, and we don't get anything in return  
when they issue a citation.

So in order to address what I think is a very  
fair concern that's been raised by municipal leaders  
in my part of the world, I would ask the Clerk to call  
an amendment, LCO 6136, and that I might be permitted  
to summarize.

jac  
Senate

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THE CHAIR:

Mr. Clerk, please call. The gentleman is seeking leave to summarize.

THE CLERK:

LCO 6136, which will be designated as Senate Amendment Schedule "C". It is offered by Senator Roraback of the 30<sup>th</sup> District, et al.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Thank you, Mr. President. I move adoption.

THE CHAIR:

Please proceed, Sir.

SEN. RORABACK:

Thank you, Mr. President. What this amendment would do is simply permit any municipality that issues a ticket for violating this law to retain \$25 of the \$100 fine. I think it's only fair, if municipalities are given this additional responsibility, that they share in the revenue that might be generated.

And I hope that my colleagues will join me in making this good bill even better. Thank you, Mr. President.

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jac  
Senate

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THE CHAIR:

Will you remark further on the amendment?

Senator Ciotto.

SEN. CIOTTO:

Thank you, Mr. President. Mr. President, I rise, again, to object to the amendment. I feel blessed. I am blessed to represent the five towns that I do as equally as every Senator in this Chamber is blessed to think the people of our state have confidence in them and give us their most prized possession, their vote.

That's the vote of confidence and expression of faith in all of us here. Sometimes the papers wouldn't have you believe that. But having been here 11 years, it's been one of the nicest experiences in my life to work with so many dedicated and caring, concerned people, even if we're on different sides of the aisle.

And getting to the resolution of the money problem, it's my feeling policemen write tickets, Senator and Mr. President, to enforce the law as a matter of public safety.

The towns in this state, well, I think the state does pretty well. We're pretty generous. We'd like

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jac  
Senate

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to be a lot more generous. They receive millions of dollars from the state funds in education, in health funds, in any choice that the state can make, helping the ill, the mentally ill, the mentally retarded.

So I would ask that the Chamber reject this amendment. Thank you, Mr. President.

THE CHAIR:

Will you remark further on the amendment,  
Senator--

SEN. CIOTTO:

And there will be a roll call on the amendment  
also.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Will there be a roll call, please, Mr. President?

THE CHAIR:

A roll call will be ordered, Sir. Thank you.  
Will you remark further on the amendment? On the  
amendment, remark further? If not, Mr. Clerk,  
announce the vote will be taking place and the machine  
will be open.

THE CLERK:

jac  
Senate

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An immediate roll call has been ordered in the  
Senate. Will all Senators please return to the  
Chamber.

An immediate roll call has been ordered in the  
Senate. Will all Senators please return to the  
Chamber.

THE CHAIR:

Have all Members voted? Please check the roll  
call vote. Ensure that your vote has been properly  
recorded. Senator Prague. Senator Williams.

Have all Members voted? Mr. Clerk, the machine  
will be closed. Please announce the tally.

THE CLERK:

Motion is on adoption of Senate Amendment  
Schedule "C".

Total number voting, 35; necessary for adoption  
18. Those voting "yea", 12; those voting "nay", 23.  
Those absent and not voting, 1.

THE CHAIR:

The amendment is defeated. Will you remark  
further? Senator DeLuca.

SEN. DELUCA:

jac  
Senate

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Thank you, Mr. President. The Clerk is in possession of LCO 6248. I would ask that he would call it, please.

THE CHAIR:

Mr. Clerk, please call.

THE CLERK:

LCO 6248, which will be designated as Senate Amendment Schedule "D". It is offered by Senator DeLuca of the 32<sup>nd</sup> District, et al.

THE CHAIR:

Senator DeLuca.

SEN. DELUCA:

I move adoption and ask permission to summarize.

THE CHAIR:

The gentleman has moved adoption. Senator DeLuca.

SEN. DELUCA:

Thank you. What this amendment does is allow us to comply with the recently passed law in the federal government and signed by the President a couple of weeks ago in regards to licenses for aliens.

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jac  
Senate

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This would help us comply with the Illegal Alien Act and help us to also comply with the homeland security provisions that this addresses.

The last time we had this bill before us, the underlying bill before us, this amendment was put forth. Or a similar amendment was put forth, and at the time it was defeated.

And the reasons were that the Congress was working on a bill that would overshadow ours and that we should wait for that so that we could comply with all other states and comply with the federal law.

That time has passed. Congress has passed it in both Houses, and, as I indicated, the President has signed the bill.

So this says that the Commissioner of Motor Vehicles shall, by September 11<sup>th</sup>, enter into a memorandum of understanding with the Secretary of Homeland Security in order to comply.

And also to report, in accordance with the provisions of the general statutes of the Joint Standing Committees of the General Assembly, in cognizance of this fact.

jac  
Senate

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This bill or something of this nature passed this Chamber, I believe, last year. And again, many of us said at the time that it was a very important bill and should be passed.

As indicated, it was a little premature a couple of weeks ago because we were waiting for the federal government. That has passed, and here we are today complying.

This bill would help us to comply. And we all know that Connecticut likes to be first in many things. It would get us to be one of the first in the States to comply with this federal law, and I urge adoption. And when the vote is taken I ask that it be by roll call. Thank you, Mr. President.

THE CHAIR:

Roll call will be ordered. Thank you, Senator. Will you remark further on the amendment? Will you remark further? Senator Ciotto.

SEN. CIOTTO:

Thank you, Mr. President. I'd like to thank Senator DeLuca for introducing what I consider to be an important amendment. But I don't believe as

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jac  
Senate

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important as it is that it belongs in this particular  
bill.

I voted for the content of this twice before,  
crossing party lines to do so. It's an important  
amendment, and it will have its time. I would urge  
rejection of the amendment at this time. Thank you,  
Mr. President.

THE CHAIR:

Thank you. Will you remark further? Senator  
Cappiello.

SEN. CAPPIELLO:

Thank you, Mr. President. I rise in support of  
this amendment and want to thank Senator DeLuca for  
bringing it out. This is an issue we've dealt with  
for the last few years in this Chamber, an issue that  
I think many of us believe needs to pass.

I think its time has come. The issue of people  
having driver's licenses in this state, a state-issued  
ID, which has really become the defacto national ID in  
our state, in our country, an ID that people use to  
get on airplanes, people use to get mortgages, they  
use it for everything today because we don't have a  
national ID card.

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jac  
Senate

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June 2, 2005

All we're saying is if you come to this country legally with a VISA for six months, for a year, we would comply with federal regulations and say that your license would only be good for that period of time.

I don't know why this is difficult to ask for. I do know that Senator Ciotto supports the concept, and I appreciate that.

But I'm afraid that if we don't pass this amendment now, putting us in compliance with the federal government, who just a few weeks ago said we must be compliant within three years or there will be ramifications.

Why can't we pass this today, move past it in our state? I just don't believe that this amendment, if taken up on another bill, would ever be passed in this Chamber.

And it's unfortunate because there are some people here who do believe, unfortunately, that you should be able to have a state issued ID regardless of whether you're here illegally or not.

And frankly, Mr. President, I just don't think that's right. We have a rule of law in this country.

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jac  
Senate

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June 2, 2005

I think we should abide by that. I don't think that we should allow our DMV to engage in giving state issued IDs to people longer than they're here for legally.

And, Mr. President, I urge adoption. Thank you.

THE CHAIR:

Will you remark further on the amendment? Will you remark further? Senator Kissel.

SEN. KISSEL:

Thank you very much, Mr. President. And very briefly, I'd like to associate myself with the remarks of Senator Capiello and commend Senator DeLuca for bringing forth this amendment.

Clearly, with the federal government, they've gotten serious about this. They passed legislation through Congress, signed by the President, that gives our states a certain period of time to comply.

And if we don't get our act together, the federal government will do it for us. I'd like us to maintain our integrity ID systems and also our independence. By passing the amendment we have before us, we'd be able to do both.

003567

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jac  
Senate

June 2, 2005

No one is picking on immigrants to the State of Connecticut, United States. And indeed, for those that are here illegally, people are saying you simply need to make a good faith effort to comply with our system of laws.

A few years ago, we lived in a world where we felt if there was trouble, that trouble would manifest itself beyond our shores. By having that great Atlantic and Pacific Ocean on either side of us, it was easy to feel secure.

But we know there are individuals that have it in for us. We know there are individuals that wish to do us harm. And as has been stated previously, they utilize our driver's licenses to access into areas with malevolence in their hearts.

So with that, I urge support of the amendment and, again, commend Senator DeLuca for bringing it forward this afternoon. Thank you very much.

THE CHAIR:

Will you remark further on the amendment?

Senator McKinney.

SEN. MCKINNEY:

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jac  
Senate

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June 2, 2005

Thank you, Mr. President. I rise in support of the amendment. Mr. President, first, let me just start, before speaking directly to the merits of the amendment, let me start by thanking Senator Ciotto.

And I know that it is maybe difficult for him to oppose this on this bill, but he has been a standup man of his word on this issue over the several years, and I commend him for that, absolutely, through difficult times on this issue, as well as Senator Finch I would add as well.

Mr. President, we have for years tried to change how driver's licenses are issued so that someone would have a driver's license that would be coterminous with their legal stay in this country, and those attempts have been rejected time and time again.

Congress stepped in and acted. We didn't get our act together in Connecticut. Many other states didn't as well, and Congress stepped in.

The result, if we do nothing, is that Connecticut residents, all of our constituents, will be prohibited from using a driver's license to travel by airplane from one state to another or from one country to another.

jac  
Senate

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You can fly to Canada right now with a driver's license and a birth certificate. Based on the law passed by Congress, if we do nothing, you won't be able to do that, not if you're a Connecticut resident.

So what we have set up for ourselves by our inaction and our failure to act is to provide an incredible burden, an unfairness, on the people of the State of Connecticut when they move to travel.

Now, it's correct. Senator Ciotto's right. I think he mentioned we don't have to pass this this year. Congress has given us a couple of years to pass it.

But let's think about our history. We didn't get our act together on lowering blood alcohol content levels. Senator Prague tried and tried, and many others in this Circle did. But then Congress said if you don't do it, you're going to lose federal funds.

And we waited until the last possible day to do it, last possible session, excuse me, to do it. And on other issues, we just wait and wait and wait and wait and then act when we have to, and we get up and we blame the federal government.

jac  
Senate

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June 2, 2005

This is the right thing to do whether the federal government makes us do it or not. This doesn't harm or hurt any citizens of the State of Connecticut. In fact, if we don't do it, just the opposite will happen. Our inaction will lead to hurting the people of the State of Connecticut.

This is a common sense measure. Senator DeLuca's right. We've heard many times in the Circle, we have all stood up in a bipartisan fashion and patted ourselves on the back for leading the nation.

Here's our chance to lead the nation and the States again in an effort that will help protect our citizens. That's something that we should be proud of, and I would urge adoption.

THE CHAIR:

Will you remark further on the amendment? Will you remark further? If not, Mr. Clerk, would you please announce the roll call vote. The machine will be open.

THE CLERK:

An immediate roll call has been ordered in the  
Senate. Will all Senators please return to the Chamber.

jac  
Senate

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June 2, 2005

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Members voted? Senator Coleman.  
Senator Gaffey. Senator Newton. Senator Williams.

If all Members have voted, the machine will be locked and the roll call will be announced.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "D".

Total number voting, 36; necessary for adoption, 19. Those voting "yea", 13; those voting "nay", 23. Those absent and not voting, 0.

THE CHAIR:

The amendment is defeated. Will you remark further? Will you remark further? Senator Guglielmo.

SEN. GUGLIELMO:

Thank you, Mr. President. The Clerk has in his possession an amendment, LCO 7042, and I would like, seek leave to summarize.

THE CHAIR:

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jac  
Senate

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June 2, 2005

Mr. Clerk, would you please call. The gentleman wishes to summarize.

THE CLERK:

LCO 7042, which will be designated as Senate Amendment Schedule "E". It is offered by Senator Guglielmo of the 35<sup>th</sup> District, et al.

THE CHAIR:

Senator Guglielmo.

SEN. GUGLIELMO:

I move adoption, Mr. President.

THE CHAIR:

Please proceed, Sir.

SEN. GUGLIELMO:

The proposed amendment just would include mobile electronic devices in the new law that I'm sure will pass here today. And there's a definition of it in the amendment itself.

It talks about any communication device between two or more persons that allows text messaging, paging, personal digital assistant, laptop computer equipment, cable, playing video games, digital video disk, digital photographs, all of those would be included under the act.

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jac  
Senate

June 2, 2005

What would be excluded would be any emergency navigation equipment. So you could still do that.

And if I may, Mr. President, I had a quote from *USA Today*, from Professor Strayer, from the University of Utah, who is a psychology professor who studies distracted driving. And he felt that these types of devices were even more distracting than telephones because they require a cognitively engaged person. And I urge adoption.

THE CHAIR:

Will you remark further? Senator Ciotto.

SEN. CIOTTO:

Thank you very much, Mr. President. And this I also consider a friendly amendment, and I also have it from the highest authority that this amendment will also be placed in the Substitute H.B. 6959 as indicated earlier.

So therefore, at this time, I would ask the Senate to reject the amendment as it stands and that there be a roll call vote taken, Mr. President.

THE CHAIR:

Roll call will be ordered, Sir. Will you remark further? Senator DeLuca.

jac  
Senate

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SEN. DELUCA:

Thank you, Mr. President. I stand in support of the amendment. I heard that the indication that it's a friendly amendment, so my comment is, there's no time like the present.

It is now before us. If it is a friendly amendment, that means that it has substance and it is meaningful and it should be passed. So why should we wait, because it is here before us now.

These devices that are indicated in this amendment that would be prohibited I think are more dangerous than a cell phone, far more dangerous because they demand that you use hands and eyes to operate them.

At least with a cell phone, if you have it to your ear, where you might think that's dangerous, you still are not using your hands and eyes in the operation of a cell phone.

These require that and are much more dangerous and could contribute more to accidents than anything else. As Senator Guglielmo indicated, a study has shown that they are a very dangerous item to be used while a car is traveling.

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jac  
Senate

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June 2, 2005

That alone should be reason enough that this should be supported here today, and I urge adoption. Thank you, Mr. President.

THE CHAIR:

Will you remark further on the amendment? Will you remark further? Senator Freedman.

SEN. FREEDMAN:

Yes, thank you, Mr. President. Through you to Senator Ciotto, I believe I heard him say that this particular amendment is going to be addressed in another bill. I just want to make sure I heard correctly.

SEN. CIOTTO:

Yes, you did hear--

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Through you, Mr. President, yes, Senator Freedman did hear correctly. I've been assured this amendment will be placed on the Substitute House Bill.

SEN. FREEDMAN:

Thank you, Mr. President.

THE CHAIR:

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jac  
Senate

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June 2, 2005

Will you remark further? Will you remark further on the amendment? If not, Mr. Clerk, would you announce the roll call vote. The machine will be opened.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Members voted? Senator Coleman. Senator Gaffey. All Members have voted. The machine will be locked. Mr. Clerk, please announce the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "E".

Total number voting, 36; necessary for adoption, 19. Those voting "yea", 11; those voting "nay", 25. Those absent and not voting, 0.

THE CHAIR:

003577

jac  
Senate

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June 2, 2005

The amendment has been defeated. Will you remark  
further on the bill? Will you remark further?

Senator DeLuca.

SEN. DELUCA:

Thank you, Mr. President. I have opposed this  
bill in the past because I believe there are more  
dangerous things that people do in their automobiles  
than talking on a cell phone.

Yes, it is, but on a list, as has been indicated  
by the proponent of this bill today, it is far down on  
the list of items that distract drivers.

So why are we singling out this and not the  
others? The past amendment that was just defeated is  
far more dangerous than a cell phone. Yet, it's not  
included in this one.

Yes, it might be included in something else later  
on. I'm sure it will surface under a different name,  
which is kind of a surprise that it might pass under a  
different name but didn't pass prior.

But according to this bill, cell phones alone are  
it. We heard about the other items that are far more  
dangerous and higher on the list for distracted

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jac  
Senate

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June 2, 2005

driving, eating in an automobile, combing your hair,  
putting on makeup, shaving.

We've heard all of these. In fact, I have a  
number of times seen people with a newspaper or  
magazine spread across the driver's, the wheel of  
their car. These are much more dangerous, but they  
are not included in distracted driving.

Distracted driving itself is an issue that should  
be addressed and all of those issues that contribute  
to that should be included in these bills and should  
be addressed.

So until such time as all of them are included, I  
would have to oppose this bill on that basis. Thank  
you, Mr. President.

THE CHAIR:

Thank you, Sir. Will you remark further?  
Senator Finch.

SEN. FINCH:

Thank you, Mr. President. I rise to support not  
only the bill, but my good Chairman of the  
Transportation Committee. I want to say that I have  
learned an awful lot about how to deal with people in  
the political process.

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jac  
Senate

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Please don't hold that against Billy Ciotto if you don't like the way I deal with you. But I really believe that I'm a better person because I've served on the Transportation Committee with Billy.

You know, when you go to Billy and you talk to him about a bill, you get an honest answer right up front. You also get a timeframe for when you think that your idea, that he doesn't particularly like, might have a chance. It's a refreshing way to deal with legislation. And I really want to stand to applaud Senator Ciotto.

As the Vice Chairman of the Committee, I've had ideas that haven't always comported with my Chairman. But he has a wonderful way of working them out and making everyone feel as though they're going to have their moment in the sun and they're going to have their idea come to the light of day.

And it's a wonderful thing to work with Senator Ciotto. Because even when you don't agree, he makes you feel good about the process that you're involved in and that some day your idea is going to have a chance.

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It may not be today, and it may not be next year, but if you keep working with the Committee, you're going to get your idea.

Now, the first time I served up here, my next-door neighbor was Richard Roy, and he came to me with a piece of paper. I really didn't know what it was, and he said would you sign this? This is a really good bill. It's going to help people drive safer.

And I was driving with my knees on the cell phone at the time, and I said, you know, I'm really driving in a dangerous manner and I should stop. And I did. And I went out and got a hands-free, and this is about the third one I've gone through since I signed on to that original paper.

But I want to say how proud I am to see that this bill, which Senator Ciotto didn't always embrace, has come before us in the process that we call legislation.

And I want to also say that no one in this Circle is guilty of ever personalizing a disagreement over this issue. And I want to thank all of us for that

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because there are times that other people have tried to personalize this.

And I have to tell you, even though I was an advocate, there were two sides to this issue, very strong sides. And the people who were reserved about this have very good documentation about why they're reserved.

This isn't anyone playing to one interest or another. This is honest disagreements over whether or not we can make the road safer. Honest disagreements.

But you know what? The system worked. And it's due to the two Chairmen that we have, Representative and Senator, that worked so hard to get the process to work right, and I thank them.

I endorse this bill wholeheartedly, as I did five years ago. But I'm very happy that the process worked and we can all, I think, move in the right direction.

THE CHAIR:

Will you remark further on the bill? Will you remark further? If not, Mr. Clerk. Senator Crisco, I apologize. Senator Crisco.

SEN. CRISCO:

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Thank you, Mr. President. Mr. President, like many of my colleagues, I rise to support this important piece of legislation and commend Senator Ciotto yet for his outstanding work.

I was kidding in the caucus room that he now qualifies for sainthood like his original name, I think, Biagio there.

But also to Representative Roy, who deserves a lot of credit to hang in there year after year, who was persistent, and really, we owe both of them a great debt.

We'll never know how many accidents that will be avoided or how many lives that will be saved with this legislation. But like many of us in the Circle, I travel many thousands of miles a year, and every day I see situations that could be almost causing an accident. But it gets very close.

So we'll never know. We would have heard about those accidents and those deaths that could have occurred, but this is an outstanding piece of legislation, and I commend all those who worked so diligently on it over the years.

THE CHAIR:

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Thank you, Senator Crisco. Will you remark further on the bill? Will you remark further? Senator Ciotto.

SEN. CIOTTO:

Thank you, Mr. President. Let me express my thanks to all the Members of this Chamber. There are serious, serious, legitimate differences of opinion. And I always tell the Members of our Transportation Committee, we're not a Republican Committee. We're not a Democratic Committee.

The road to the State of Connecticut belongs to all the people of the State of Connecticut. And it's our job and our duty to, hopefully we can produce legislation that will benefit all the people of the State of Connecticut.

Safety has no Democrat or Republican or Independent label on it. This is our job. We agree to disagree, and we have done a beautiful job of agreeing and disagreeing here this afternoon.

And, Senator Finch, I thought you would never stop, but you were excellent. Thank you. I move for a roll call vote when the vote is taken, Mr. President. Thank you.

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THE CHAIR:

Thank you, Sir. Will you remark further on the bill? Will you remark further? If not, Mr. Clerk, would you, Senator Williams.

SEN. WILLIAMS:

Thank you, Mr. President. I rise to support the bill, to associate myself with the remarks of my colleagues who have also supported this, and to thank Senator Ciotto for his great work on this.

And also just to offer some brief, frank comments. This has not been an easy bill for many of us who have opposed it in one way or another in the past. We are, as many of our constituents are, fairly busy.

And as Legislators, we're on the road quite a bit, and we need to conduct business. And oftentimes, that takes the form of talking to people on the road, whether it's our colleagues, whether it's our staff, whether it's our families to let them know where we are, or whether it's our constituents answering their phone calls and staying in touch with what's going on in the district.

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I know many of my colleagues look at their automobiles as almost a second office, and we do a lot of business in terms of staying in touch with the people throughout Connecticut that way.

However, when this was first proposed, the technology was a little clunky in terms of alternatives to handheld cell phones. Today, we know that the technology is very advanced.

I look forward, actually, to purchasing one of those headsets. I don't have one yet. This bill will require that I do so, and I will do so. And I'm convinced that it will be better for me, and it will be better for all of us across the State of Connecticut. So thank you to Senator Ciotto.

Also, thank you to Representative Richard Roy. It's been a personal journey for him for many years. He's been passionate and persistent in this, and I appreciate his efforts and am proud to support this today.

THE CHAIR:

Thank you, Senator. Will you remark further?  
Will you remark further? If not, Mr. Clerk, would you

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announce the roll call vote. The machine will be  
open.

THE CLERK:

An immediate roll call has been ordered in the  
Senate. Will all Senators please return to the  
Chamber.

An immediate roll call has been ordered in the  
Senate. Will all Senators please return to the  
Chamber.

THE CHAIR:

Have all Members voted? If all Members have  
voted, the machine will be locked. The Clerk will  
please announce the tally.

THE CLERK:

Motion is on passage of H.B. 6722.

Total number voting, 36; necessary for passage,  
19. Those voting "yea", 32; those voting "nay", 4.  
Those absent and not voting, 0.

THE CHAIR:

The bill passes.

[GAVEL]

Mr. Clerk.

THE CLERK:

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(CHAMBER AT EASE)

DEPUTY SPEAKER GODFREY:

Will the House please return to order. The House please come back to order. We'll return to the Call of the Calendar. Will the Clerk please call Calendar Number 254.

CLERK:

On Page 20, Calendar Number 254, Substitute for House Bill Number 6722, AN ACT CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES AND HAND-HELD MOBILE ELECTRONIC DEVICES BY OPERATORS OF MOTOR VEHICLES, Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER GODFREY:

(GAVEL)

If we could have a little order, please. It's getting a little loud in here. Thank you, ladies and gentlemen. The distinguished Chairman of the Transportation Committee, Representative Guerrero.

REP. GUERRERA: (29<sup>th</sup>)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER GODFREY:

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The question is on acceptance and passage. Will you remark, Sir?

REP. GUERRERA: (29<sup>th</sup>)

Thank you, Mr. Speaker. This Bill is a product of an ongoing bipartisan effort to improve the safety of our State's roadways. I'm proud that the legislation came out of the Transportation Committee and proud to be bringing this Bill out today.

We also had Judiciary, who also accepted this Bill and put it through the Judiciary Committee, which was out the other day, Mr. Speaker.

At this time, I'd like to refer this to Representative Roy who's been an ongoing component and someone who has been one of the leading proponents of this cell phone bill.

DEPUTY SPEAKER GODFREY:

Thank you, Representative. Representative Roy of the 119<sup>th</sup> District, do you accept the yield, Sir?

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an Amendment, LCO Number 5750. I ask that he call it and I be allowed to summarize.

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The Clerk has it in his possession. He doesn't have it in his possession. The House will stand at ease.

(CHAMBER AT EASE)

DEPUTY SPEAKER GODFREY:

That Amendment is not in the possession of the Clerk. Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, I've just been given updated information. I would like to withdraw LCO Number 5750.

DEPUTY SPEAKER GODFREY:

It's not necessary to withdraw it. It's never been in our possession, so we've got a clean slate, Representative Roy.

REP. ROY: (119<sup>th</sup>)

I would like to call LCO Number 5764 and I be allowed to summarize. Thank you.

DEPUTY SPEAKER GODFREY:

The House is, the Clerk is in possession of LCO Number 5764, which will be designated House Amendment Schedule "A". Will the Clerk please call.

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LCO Number 5764, House "A" offered by  
Representatives Roy, Stone et al.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the Chamber to summarize. Is there objection? Hearing none, please proceed, Sir.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, what this Amendment is, it's a strike-all. It then goes on to restrict the use of a hand-held phone by an operator of a motor vehicle.

Any passenger in the car can use a phone; no problem. It is only the operator who has the restriction placed on him or her.

Also, no person who has a learner's permit or any holder of a motor vehicle license subject to requirements of the State Statutes shall use the phone or any other electronic devices while they're operating a motor vehicle.

Mr. Speaker, the only other substantive change from previous iterations of this Bill is Section 5, where no person shall engage in any activity not related to the actual operation of a motor vehicle in

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a manner that interferes with the safe operation of such vehicle on any highway as defined in the General Statutes.

Anyone who does that will be fined \$100 in addition to any penalty for the moving violation. I move adoption.

DEPUTY SPEAKER GODFREY:

The question before the Chamber is on adoption. Will you remark, Representative Roy? I guess not. Will anyone else remark on House Amendment Schedule "A"? The distinguished Republican Leader from the 86<sup>th</sup> District, Representative Ward.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker. And let me start by saying I'm not meaning to close debate by speaking at this point. It didn't look like anyone was yet on their feet.

DEPUTY SPEAKER GODFREY:

We understand.

REP. WARD: (86<sup>th</sup>)

Mr. Speaker, I'm puzzled by one portion of this Bill. In earlier versions I saw other electronic device was defined. In the version before us, it

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appears to be undefined, and so therefore I assume it means what it says, any electronic device.

We prohibit teenage drivers, I'm sorry, 17- and 18-year-old drivers from using a cell phone except in an emergency, even a hands-free cell phone, and I think I understand the purpose of that, apparently a policy decision that it would be too distracting for drivers that have restricted licenses, and under our new law, I believe that's anybody until their 18<sup>th</sup> birthday.

We then go on to say or any other electronic device and we don't define it. So we've apparently outlawed the radio and the CD player for 17- and 18-year-olds, because I don't know how a CD player isn't an electronic device unless we define it.

In the earlier versions it was defined and I understood that. And if I might, Mr. Speaker, through you, a question to the proponent of the Amendment.

DEPUTY SPEAKER GODFREY:

Please frame your question, Sir.

REP. WARD: (86<sup>th</sup>)

Through you, Mr. Speaker, to Representative Roy. It is your intention to ban 16-, 17-year old drivers

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from using a CD player in an automobile if they are  
the operator of the automobile and it's moving?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy, do you care to respond?

REP. ROY: (119<sup>th</sup>)

Yes, Mr. Speaker, through you. No, it is not our  
intent to turn off the radios or their CD players.  
However, it's, again, just a hand-held devices. If  
anything is embedded in the dashboard as they are,  
have been for centuries, they're perfectly legal.

DEPUTY SPEAKER GODFREY:

Representative Ward.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker. I read the Section, it  
didn't appear to me that that's what it said. Just  
for the Chamber's edification, I believe that the  
restriction as to teenagers, unless it's changed  
again, says no person who holds a learner's permit or  
a holder of a motor vehicle license subject to the  
requirements of Subsection (d) of 14-36, I think we  
agree that's the restricted license sections, shall

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use any hand-held mobile telephone or other electronic device, including those with hands-free accessories.

So we didn't say you can use an electronic device with a hands-free accessory. We said you can use no electronic device, including those that are hands-free.

So we prohibit them from using a hands-free cell phone and any other electronic device. I appreciate that it's not the gentleman's intent to force 16- and 17-year-old drivers to not use any electronic device.

But if we read it literally, which I think we must, I think this needs work, it needs to be changed, query whether they can actually start a car with an electronic ignition. Presumably they'd be allowed to do that, but that's probably an electronic device.

The computer readouts in some cars that tell you the air temperature outside and fuel economy and the like, probably an electronic device, but pretty clearly the radio and the CD player.

I'll admit having at times been in the car with my own teenagers and wanting the radio turned down, which they announce I'm getting old, but I don't know

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that I think we ought to write legislation this way  
that bans them all.

I think this Amendment needs work before it's  
adopted. I appreciate, I think it's changed four  
times today, at least three that I've seen as we've  
been bringing this up for debate.

I think it would be a lot better idea to put what  
they intend as the final version on people's desks on  
a Bill that involves as many, I think there are over  
900,000 motor vehicles licensed in Connecticut,  
probably at least that many drivers, if not more,  
before we do something that affects that many people.  
We ought to be very careful that we say exactly what  
we mean. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on the  
Amendment? Will you remark further on the Amendment?  
Representative Gibbons of the 150<sup>th</sup> District.

REP. GIBBONS: (150<sup>th</sup>)

Thank you, Mr. Speaker. Through you, if I may,  
please, address a question to the proponent of the  
Bill.

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Please proceed.

REP. GIBBONS: (150<sup>th</sup>)

Thank you. Through you, I am signed onto this Bill, Representative Roy, and I very much want it to pass. But I'm a little puzzled by Section 5.

If you could help me to understand exactly what it means, please, it says no person shall engage in any activity not related to the actual operation of a motor vehicle, I assume that could mean my children in the backseat, in a manner that interferes with the safe operation of any vehicle on the highway.

And believe me, when they shout and screamed at each other, they did interfere with the safe manner which the vehicle was operating on the highway.

But I don't, I don't think that they should be subject to breaking the law for that, and I'm not quite sure what Section 5 means. Could you explain it, please? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker, and through you. Yes, that would be included, and I certainly have been

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there. Fortunately my daughters are in their 30's now and they have to worry about that more than I do.

I should think that each of us with children in the car would be cognizant that we must be even more careful while we're driving, and that if the children become that unruly it's time to pull the car over instead of turning around and taking your attention off the highway.

What we're trying to do is get people to think about all of the things that they do in the car that could ultimately lead to a problem. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Gibbons.

REP. GIBBONS: (150<sup>th</sup>)

Thank you, Mr. Speaker. If I may, through you, please, ask a further question. I guess I'm concerned that this started out as a Bill that was going to ban drivers from holding cell phones.

Now suddenly we've added a catch-all amendment that prohibits anything from going on in our car that could cause the driver's distraction, which in concept I agree is very laudable.

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I think in practice not only is it hard to enforce, but in reality I'm not sure how we can do that or if we should be doing that and adding it onto this Bill. Through you, Mr. Speaker, please.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker, and through you. This section does not bar you from drinking a cup of coffee, having a sandwich, putting on your makeup, all of those things.

What it does do is adds a penalty if that activity causes you to weave on the highway while you're driving, to go off the road while you're driving, to cause other people to dodge and evade you.

Simply put, you can have your coffee, you can put on your makeup, you can yell at your kids, only don't allow it to interfere with your driving. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Gibbons.

REP. GIBBONS: (150<sup>th</sup>)

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Thank you, Mr. Speaker. Through you, one last comment. I guess I will let this stand because I'm not sure what is in statute right now and certainly all those activities happen and we certainly do have interference from kids in the backseat.

Like you, mine are adults and I no longer have to deal with that, but I wonder if we aren't expanding the intent of this Bill to cover more than what we initially intended. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Madam. Gentlewoman from the 5<sup>th</sup> District, Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5<sup>th</sup>)

Thank you, Mr. Speaker. Representative Gibbons touched upon the same section I was concerned about and that was Section 5. Through you, Mr. Speaker, I'd like to ask a couple of questions of Representative Roy.

DEPUTY SPEAKER GODFREY:

Please proceed, Madam.

REP. KIRKLEY-BEY: (5<sup>th</sup>)

I'm over here, Roy. Hey.

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Down front.

REP. ROY: (119<sup>th</sup>)

It's a big room.

REP. KIRKLEY-BEY: (5<sup>th</sup>)

My question is, and I was going to ask about putting on the makeup and the lipstick because that is something that we do, usually we'll be driving in the car.

But if you have a cold or something like that and you need to get a tissue, which is over here in a box that you keep next to you, but you have to take your eye off for a second to make sure you reach it, that's considered an infraction under Section 5?

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

That is not an infraction. If you go on and read Section 6, an operator of a motor vehicle who commits a moving violation, as defined in Subsection 14-111, while engaged in any activity prohibited under Section 5 shall be fined an additional penalty.

It is not prohibited. You certainly may do that. What we're trying to do, however, is to make sure that

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people who engage in other activities do so in a safe  
manner. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5<sup>th</sup>)

Thank you. Through you, Mr. Speaker. So  
newlyweds can't kiss while they're driving?

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Through you, Mr. Speaker, we've all done it, but  
it's not a good idea. Thank you. Through you, Mr.  
Speaker.

DEPUTY SPEAKER GODFREY:

No comment. Will you remark further on this  
Amendment? Representative Witkos of the 17<sup>th</sup> District.

REP. WITKOS: (17<sup>th</sup>)

Thank you, Mr. Speaker. I have several questions  
to the proponent of the Amendment.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. WITKOS: (17<sup>th</sup>)

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Thank you. Through you, Mr. Speaker. A clarification under Section 2, Part B, where it refers to 14-36, which is the licensure requirement.

Is it true to say that 16- and 17-year-olds would not be allowed to operate a vehicle even with a hands-free telephone? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Yes. Through you, Mr. Speaker. Yes, that's what it says. And I would point out that 16- and 17-year-olds with a learner's permit are only supposed to be out there with members of their family who could do all of these activities for them. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Through you, Mr. Speaker. I don't believe that's necessarily correct. Once you have your operator's license, you don't need to have your immediate family with you.

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I believe that our graduated driver's license program that we just passed in the House recently last week said that there's condition on who may ride in the vehicle with you, but it does not require that a parent be present once you obtain your operator's license.

Through you, Mr. Speaker. Section 4 of the Bill states that anybody that violates Section 2, which is the section I just referred to, will be fined not less than \$100. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Please repeat the question.

DEPUTY SPEAKER GODFREY:

Representative Witkos, would you please reframe the question.

REP. WITKOS: (17<sup>th</sup>)

Through you, Mr. Speaker. Section 4 of the Bill states that any person found in violation of Section 2, which is the area that I just spoke of, shall be

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fined not more than \$100. Is that correct? Through  
you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you. Through you, Mr. Speaker. Yes, that  
is correct. Thank you.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you. And through you, Mr. Speaker. In  
Section 3, it refers to Section 1 of the Bill that  
says \$100 fine, unless after you've been fined you  
have the opportunity to show that you've purchased or  
acquired a hands-free accessory and the fine goes  
away. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Yes, that is correct. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

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Thank you. So a person that is 18 years of age or older who operates a car and does not have a hands-free unit and then is stopped for whatever violation and is issued the infraction, they can have that fine expunged as long as they show acquisition.

But a 16- or 17-year old who has their operator's license and is stopped for the same thing, that course of action is not available to them. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

It is, Mr. Speaker, but that 16- or 17-year-old has even additional responsibilities to operate in a safe manner. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you. And through you, Mr. Speaker. Would the proponent of the Bill please explain to me what those additional responsibilities are that a 16- or 17-year-old has in operating a vehicle that I as a 41-year-old do not have.

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DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. Having an adult in the car in the beginning with a learner's permit, limiting the number of people in the car, and then I believe we have hours of operation also. Thank you. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you. Through you, Mr. Speaker. Let's speak to the 16- or 17-year-olds that have, or 16 1/2- and 17-year-olds that have received their Connecticut operator's license and they are driving during the day, well within what's required.

As of right now, it hasn't passed in the Senate so there is no safety hours, if you want to call it, between midnight and 5:00 o'clock a.m.

Would they be available to acquire a hands-free component so they don't have to pay the \$100 fine?

Through you, Mr. Speaker.

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Representative Roy.

REP. ROY: (119<sup>th</sup>)

Through you, Mr. Speaker. We're checking on the exact requirements under 14-36. But I believe that the additional requirements that we placed on them through legislation, because we're just trying to keep those 16- and 17-year-olds alive.

And if this helps enhance the work that we've done in the past then I'm all in favor of it. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you. Through you, Mr. Speaker. I can appreciate the fact that we're trying to do it for the 16- and 17-year-olds, but we just had a conversation regarding the minimum wage in 16- and 17-year-olds, and now we're not allowing 16- and 17-year-olds to have the same rights as somebody that is 18 years of age or older that holds the same Connecticut operator's license as anybody else.

We say to them that if you acquire a hands-free accessory and prove that you have it, then the fine

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goes away, but we don't allow that, in my reading of this Bill, for 16- and 17-year-olds.

And further, Mr. Speaker, if the proponent of the Bill or Amendment could explain to me under, I know we spoke about this earlier, Section 5, specifically Lines 7, 79 and 80, the way I read this Bill, no person shall engage in any activity not related to the actual operation of a motor vehicle in any manner that interferes with the safe operation of such vehicle on any highway.

Now if I was on duty and I saw somebody driving down the street reading a map, looking down at the lap and not at the roadway ahead of them, I would consider that interfering with their operation of a motor vehicle.

And is that the case through my interpretation of this? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

That's incorrect, Mr. Speaker. You have to read it in conjunction with Section 6, which says an operator of a motor vehicle who commits a moving

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violation while engaged in any activity prohibited  
under Section 5 shall be fined \$100.

They have to commit a moving violation for  
Section 5 to take effect.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you. And through you, Mr. Speaker. If the  
speed limit is established at 40 miles an hour on a  
highway and somebody is doing 30 miles an hour on a  
highway because they're engaged in some other  
activity, would that be considered as interfering with  
the safe operation of a motor vehicle? Through you,  
Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

I don't know if that would be considered  
interfering. On highways with a 65-mile-per-hour  
speed limit you're allowed to go as low as 45 legally.

I don't know if there's any requirement or any  
slow speed limit, lower speed limit that would be  
applicable. Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you. And through you, Mr. Speaker. I am aware that there is a statute on the books regarding slow speed, and that brings a point of clarification. I'd ask the proponent if he could please define for me the word interferes with. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Anything that interferes with would take your attention away from the driving so that if you commit a moving violation and you're engaged in one of these activities, that could be considered to be interfering with. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you. And through you, again, Mr. Speaker. With that explanation, the scenario I gave you was that a moving violation is being committed, the act of slow speed, because the person is either viewing a map

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or speaking to somebody else in the vehicle, and that is interfering with the safe operation of that vehicle because they're not paying attention or keeping their eyes on the road. And would that be a finable offense under this legislation? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. I believe it would be. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you, Mr. Speaker. The definition of immediate proximity, if I have a cell phone that has a speakerphone attachment or built in and I leave that speakerphone in my lap and I can drive my vehicle with the phone resting on my lap.

It's in close proximity so I can hear the words of the caller and they can hear me. Would that be a violation under this Section? Through you, Mr. Speaker.

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Representative Roy.

REP. ROY: (119<sup>th</sup>)

Through you, Mr. Speaker. No, because that's  
hands-free operation. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you for the gentleman's answers, Mr.  
Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on House  
Amendment Schedule "A"? Representative Ferrari of the  
62<sup>nd</sup> District.

REP. FERRARI: (62<sup>nd</sup>)

Thank you, Mr. Speaker. If I might ask the  
proponent of the Bill a question.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. FERRARI: (62<sup>nd</sup>)

Thank you, Mr. Speaker, through you. On Lines  
38, 39 and 40, Representative Roy, through you, Mr.  
Speaker, the presumption is rebuttable by evidence

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tending to show that the operator was not engaged in a call.

Can you give me an idea of what, how I might rebut a police officer telling me that he saw me making a call and how I might tell him that no, I'm not, I have evidence to say that I didn't, Sir? Thank you.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. You get a copy of your phone records from your phone company showing that you were not on the phone at that time. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ferrari.

REP. FERRARI: (62<sup>nd</sup>)

Thank you, Mr. Speaker. Thank you, Representative Roy. And one further question. On Lines 53, 54 and 55, and if I read this correctly, I see that an exemption would be the operator of a taxicab, tow truck or bus without passengers.

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I guess I don't understand why they would be exempted. I recognize that they need to get calls from their base and their, the taxicab driver needs to get calls to tell him to go pick up a fare.

However, I don't see any reason why they couldn't be required to use a hands-on, hands-free mobile telephone attachment like everybody else.

I suspect that many, it's still a distraction. And frankly, if I, I don't want a bus driver being distracted, even if he doesn't have any passengers. Is that generally why that is, Mr. Speaker, through you, Representative Roy?

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Yes. Thank you, Mr. Speaker. If you go back to Line 48, Section B, any of the following persons while in a performance, it goes through the police officer, firefighter, operator of an ambulance, and the taxicab, tow truck and bus without passengers. If that's part of their normal duties, that'd be permissible.

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Representative Ferrari.

REP. FERRARI: (62<sup>nd</sup>)

Thank you, Mr. Speaker. Thank you, Representative Roy. It just, it just seems to me that, that being the case, there are salesmen, there are people who are traveling around who are doing it as a part of their employment.

They still have to use a hands-on, I mean a hands-free device. And I'm still not sure that I'm crazy about the idea of having bus drivers without that requirement as well.

It's probably not a form of a question any longer, Mr. Speaker. Thank you, Representative Roy, for your answers. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentleman from the 70<sup>th</sup> District, Representative DelGobbo.

REP. DELGOBBO: (70<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, I'd like to ask a few more questions that the previous speakers had to the proponent of the Amendment, particularly with regard to Section 5 and Section 6 of the Bill.

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Through you, Mr. Speaker, as I read what's before us, the Section 5 which says activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation, etc., and we had discussions of a whole range of things that that could be, whether it's the kids acting up in the back or driving, drinking a cup of coffee, putting on your makeup, things of that sort.

And if I understood the gentleman's answers earlier, it seemed as though his opinion was that that violation didn't occur unless some other moving violation or some other violation of the motor vehicle statutes took place. Is that my understanding?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Through you, Mr. Speaker. That is correct.

Through you. Thank you.

DEPUTY SPEAKER GODFREY:

Representative DelGobbo.

REP. DELGOBBO: (70<sup>th</sup>)

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And, Mr. Speaker, I'm not a lawyer, but I'm thinking as I look at this that that's not what seems to be before us.

It seems to be that if, for whatever reason, you're involved in some of these activities, any number of them that go on all the time, you're in violation of Section 5, period, and that this says that if in addition to that you are involved in some other moving violation, etc., you get the additional \$100 fine over and above the fine that's already imposed for that other violation.

So I guess through you, Mr. Speaker, is it not true that if, for whatever reason, a police officer decides to stop you because he sees you engaged just in scolding the kids or drinking a cup of coffee that you'd be in violation of Section 5 in and of itself? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. Under this language he would not be. It has to be in conjunction with a moving violation.

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If there is a moving violation, a police officer could pull you over, and if he or she discovers that there was a distractive behavior going on, they can add the fine to it.

DEPUTY SPEAKER GODFREY:

Representative DelGobbo.

REP. DELGOBBO: (70<sup>th</sup>)

Thank you, Mr. Speaker. And I thank the gentleman for his answer. Again, as Representative Ward said on the interpretation of another section of this Bill before us, I understand that may be the intent.

But, Mr. Speaker, in my time up here in the Legislature and reading statutes, it seems very clear to me that in fact Section 5 stands alone.

If you engage in these activities, however they might be defined, you're in violation of that section and therefore whatever penalty, I don't know, we might have some broad if no other penalty defined or given, here's \$100 fine, whatever, in the statutes. I don't know what that is.

But at the end of the day, it's a violation in and of itself, and that's problematic in terms of we

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don't know how far and what type of activity that covers.

And I guess it gets to, I understand the gentleman's intent, but it seems as though this language does not bridge, make that bridge to make it clear that you have to have been involved in some other activity, some other violation, in order for Section 5 to be operable.

And, Mr. Speaker, I was, when I was listening to the earlier colloquy between Representative Ward and Representative Roy, I would share the concern of Representative Ward that the other electronic device language in Line 57 under Section 2 is a very broad and potentially capturing so much other activity I think other than is intended.

And therefore, we're talking about far more activities and far more issues than was ever contemplated by the intent perhaps of this House.

And, Mr. Speaker, I'd like to understand what is meant by the definition of hands-free mobile telephone that's in this provision before us.

I guess if I read it, put it in plain language, it sounds as though the kind of cellular phone that

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you'd have to have is not just one like the one I have, it's a flip-open phone and you can have a little ear bud and, you know, you can use your hands-free while driving, using it that way.

You'd have to have the kind of phone where you get in and once you enable it you can sit there and say, Representative Roy, and the call would be connected and I could have my conversation and I could also hang up without ever touching that phone.

Is that, through you, Mr. Speaker, your understanding of the type of device that would have to be used?

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Excuse me, Representative. Through you, Mr. Speaker. No, that is incorrect. Lines 23 through 26, engage in a call means talking into or listening on a hand-held mobile telephone, but does not include holding a hand-held mobile telephone to activate, deactivate or initiate a function of such telephone. Then you put it down.

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Representative DelGobbo.

REP. DELGOBBO: (70<sup>th</sup>)

So through you, Mr. Speaker. The allowable activity that you're contemplating is activity where I could have my phone sitting beside me, my little ear bud, and when I want to make a call, I open it up, I dial the phone, it sits on the seat next to me, and I'm allowed to engage in the conversation, and at the end of the conversation push the little red button and nothing of that sort of activity represents a violation as you understand it. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

That is correct, Representative, although I do believe that if that activation causes you to have an accident, Section 5 and 6 will kick in.

DEPUTY SPEAKER GODFREY:

Representative DelGobbo.

REP. DELGOBBO: (70<sup>th</sup>)

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Thank you, Mr. Speaker. Point well-taken. We all need to be cautious. And I'm looking for the other language.

It just seemed to me that I saw language within this, I guess it's under Lines 16 through 22, that the definition of hands-free mobile telephone describes something far more narrow, which describes particularly on Line 19 through 22, that says the kind of device that's covered would be one that whether or not, I withdraw. Excuse me, Mr. Speaker.

I was looking through Sections of this Bill that seemed to indicate to me that you couldn't dial, you couldn't physically have any contact with the device in order to engage in communication. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

The prohibitions are while you're engaged in a call, and go back to Lines 24 through 26, again, you can activate and all. But when you initiate the call, that's it. After that, you've got to be hands-free.

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Representative DelGobbo.

REP. DELGOBBO: (70<sup>th</sup>)

Thank you, Mr. Speaker. I guess I will continue to listen to the debate and hopefully get, the Members, we can all get a clearer understanding of what this provision does and does not do.

I think that's critically important, as was stated earlier. We're talking something that impacts over 900,000 potentially citizens of this State.

And I'll admit, and as this issue has come, has evolved over the years, I started off, I was like thinking no way, come on, government's getting too far, how could you, you know, get into the issue of controlling people's behavior if they're going to be on cell phones.

I mean, it's called common sense and you can't legislate common sense. And then I began to evolve and see what's going on around us and saying, you know what, there is dangerous activity going on out there.

And I think we do, since it's unlike seatbelt laws, which I've always had a problem with frankly because we're legislating common sense. For the most part, somebody doesn't wear a seatbelt, the only one

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they harm is themselves, and that's, to some degree,  
free will.

Somebody engaging in activities that while  
they're driving could harm other people and could do  
life and property damage to other people because of  
their activity, well, I think that is rightfully  
something that we need to look at.

And so, as you well know, as the Representative  
knows, I in concept supported the Bill and signed on  
to where it was going to go, and looking forward to  
what we would have before us.

Unfortunately, and I'm going to have to listen to  
this debate more, I think this Bill, with all due  
respect, has got some fundamental problems with it,  
that there are issues here that are not defined in a  
way that make it the kind of law that can be enforced  
properly.

And, of course, that's a huge problem. I mean, I  
never want to be responsible for some law where we  
said, oh, we did a great job, and then it cannot be  
enforced properly and nobody in society pays attention  
to it because it's so cumbersome and problematic to  
enforce.

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And that, I'm also concerned that this may capture an awful lot of other activities, far more than we ever contemplated, and so for that reason I sincerely need to look at this more closely and listen to the debate and have reservations at this point.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentlewoman from Glastonbury, Representative Googins of the 31<sup>st</sup> District.

REP. GOOGINS: (31<sup>st</sup>)

Thank you, Mr. Speaker. I would agree with many who spoke about this Bill, that it has its imperfections, and I appreciate those that have been being pointed out, particularly by my own colleagues.

We've been debating this Bill for a number of years now, and I am more worried about the imperfections that I see in driving than I am the imperfections and the implementation of the law. Whether that's right or not, I don't know.

I do know that cell-phone use can be attributed to at least 5% of accidents that happen on the road. Is that a big deal? Probably not, except that it is

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5% of something that we can control with some kind of legislation.

It was pointed out that distraction is a greater element as far as accidents are concerned, and I don't remember that percentage at the moment. And I have done considerable reading of data from AAA, but I did not bring that in, Automobile Association, I did not bring that in with me today.

I know that when I'm driving from here to only 13 1/2 miles away, to Glastonbury, that I am spending a lot of time paying attention to people wandering and meandering in front of me and more in the middle of two lanes rather than in one, and I look and I see the hand up, the person talking on the phone.

And I think that wandering, that inattention from both distraction and from cell-phone use is creating a bunch of really kooky drivers on our roads, and I think they are threatening us.

The difference between laws applying to 16-year-olds and 18-year-olds, as we know very, very well, for those of you who have 16-year-olds and 18-year-old kids, that's almost the age of some of my grandchildren, is the 18-year-old is far more mature

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and the 16-year-old is less experienced and it is inexperience that applies to accidents in many, many circumstances.

Ladies and gentlemen, I feel that this is the time after all the years we've been spending with this Bill that we start doing something about it.

We have passed imperfect laws before. Oh, my Lord. We have also corrected them before. When seatbelts first went in, there was a concern about how we were going to enforce that.

I think there would be good judgment on the part of law enforcement officers, or at least I hope to think so, that there will be reason applied. Right now, for a lot of driving, there is a lot of non-reason being applied.

Unless there are some amendments that might correct some of the things that were pointed out, I'd be happy to entertain and consider, but I truly wish that we would get a leg up on exercising some control in the State for distracted drivers and for those who make their cars their offices, their restaurants, their beauty parlors, and as well as a means of travel.

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And I thank my colleagues for their indulgence in listening to me. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Madam. The gentleman from Wolcott, Representative Mazurek of the 80<sup>th</sup> District.

REP. MAZUREK: (80<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, just a couple of quick questions to the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. MAZUREK: (80<sup>th</sup>)

Thank you. Representative Roy, just for my own clarification of the Bill, if I'm driving down 84, 60 miles an hour in the center lane and I'm holding a cell phone to my ear and having a conversation, am I in violation of the statute?

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. Yes, you would be.

Thank you, Mr. Speaker.

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Thank you, Sir.

REP. MAZUREK: (80<sup>th</sup>)

If I'm driving down 84, 60 miles an hour in the center lane and I've got a newspaper lying on top of my steering wheel and I'm reading an article, am I in violation of the statute?

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. You would be if you get cited for another moving violation. If you're reading the paper and you stay in that center lane and don't deviate, God bless, you're a better driver than the rest of the people in this Chamber.

REP. MAZUREK: (80<sup>th</sup>)

Thank you, Sir. Just one last question, and I appreciate those answers. New York, as we know, has gone to hands-free cell phone use on their highways also.

Before your Committee, has there been any testimony that there's been a reduction in the amount of traffic accidents in the State of New York?

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Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you. Yes, Mr. Speaker. Assemblyman Felix Ortiz, who got the law passed in New York, did testify to that effect before our Transportation Committee during the hearings.

Can you tell us, tell us which ones didn't occur because of the law? No, we don't. Are there people who violate the law? There probably are. They violate all the other laws. But certainly there's been fewer, according to Felix Ortiz. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Mazurek.

REP. MAZUREK: (80<sup>th</sup>)

Thank you, Mr. Speaker. I appreciate the gentleman's answers. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentleman from Durham, Representative Kalinowski of the 100<sup>th</sup>.

REP. KALINOWSKI: (100<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, I signed early on with Representative Roy to support this

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particular Bill, but this Amendment has some defects and it's morphed into something different than it was originally intended.

Some of the speakers recently mentioned Section 5 and Section 6, and those two sections are indeed not clear and we could run into some really serious trouble out there on the highway with enforcement of these particular sections if indeed this passes as a bill.

So in that regard, in that context, I see something different happening here, and I really don't think we're on the right track here with these particular sections. Thank you very much.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on House Amendment Schedule "A"? Will you remark further on House Amendment Schedule "A"? Representative Ward.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, through you, a question to the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. WARD: (86<sup>th</sup>)

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Through you, Mr. Speaker. Representative Roy, since you've indicated that it's your intent only to restrict teenage drivers from using mobile electronic devices, not those built into the dashboard, I'm wondering, if this passes, if you intend to offer an amendment to strike or correct that language. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. I do not have that with me today, so today, no, I do not intend to. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ward.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker. I guess I would speak against the Amendment because the file copy before us does have such a definition in it.

It defines mobile electronic device and then defines it to be computer-type games and the like and prohibits their use in motor vehicles by the operator. That seems like a reasonable restriction.

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We then strike the definition and eliminate the restriction, so actually drivers that are over 18 apparently can play computer games while they drive, we'll let that stay legal. But if you're a teenager, it would appear that you can't play the stereo that's built into the car.

So I am all in favor of restricting the use of mobile cell-phone devices unless hand-held devices are being used.

I supported that Bill a year or two ago when we last voted upon it, although I had voted against earlier versions and I had changed my view on it.

I think that it makes sense to restrict in our law the use of, the use of hand-held cell phones. I don't think it makes sense in our law to write a statute that prohibits teenage drivers from using any electronic device period.

The file copy makes more sense in that regard than the Bill. In addition, the file copy makes the offense an infraction. The Amendment strikes the reference to infraction and makes it a fine.

And we're trying to sort through whether or not a court appearance is required. It would appear that

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the intent is that a court appearance not be required and I agree with that intent because that was the last-second change in the Bill.

I haven't quite figured out whether it works or not yet. I assume that it does and we're trying to determine that.

And I guess I'll just speak a little bit to process. When you rewrite a major bill like this on the fly on the Floor, we make mistakes. I was hoping the gentleman would say he was prepared to correct before we vote on the Bill what I think is clear language.

So regretfully, I will oppose the Amendment as it's now before us, and if it passes hope there'll be time to correct it before we send it to the Senate.

We should be careful when we draft legislation that affects drivers of all automobiles upon our public highways. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Will you remark further on House Amendment Schedule "A"? Representative Miner of the 66<sup>th</sup> District.

REP. MINER: (66<sup>th</sup>)

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Thank you, Mr. Speaker. I may have missed something here. If I could just pose a question to the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Please frame your question, Sir.

REP. MINER: (66<sup>th</sup>)

Thank you, Mr. Speaker. In I guess it's Line 53, it starts Section A of 9, that a taxicab operator is eligible to operate a cell phone without the hands-free mode. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

I'm sorry. Could he please repeat the question. I know what line you're on.

REP. MINER: (66<sup>th</sup>)

A taxicab operator or a tow-truck operator would be allowed to operate a cell phone without the hands-free mode. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

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Through you, Mr. Speaker. Yes, under the statute. Thank you.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER: (66<sup>th</sup>)

Thank you, Mr. Speaker. I guess I'm a little puzzled as to the rationale as to why we would separate out that classification of operator, why is it that a taxicab operator would be I guess any more safe in the operation of a taxicab than an individual might be in their own personal vehicle.

Is there any testimony as to why a taxicab operator should be exempted from this? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. I did not see any such testimony. However, these persons are often used by police to help out with emergencies, and therefore they're exempt. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

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REP. MINER: (66<sup>th</sup>)

Thank you, Mr. Speaker. I'm not sure that I understood that response. Did I understand the gentleman to say that taxicab operators help out in emergencies? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

There are occasions, especially in a blizzard, snowstorm, where they need additional drivers to get people to hospitals, to get workers to the hospitals, not just patients, and they will employ some of these taxicab company drivers to do this sort of thing.

They are professional drivers as opposed to others. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER: (66<sup>th</sup>)

Thank you, Mr. Speaker. I guess there are a whole bunch of classifications of professional drivers, such as racecar drivers and others, they don't enjoy the same exemption.

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I guess I can appreciate the gentleman's concern about people operating in a reckless fashion and I can appreciate this body's concern about whether or not we should be looking at legislation to try and make our roads safer.

I'm not so sure that carving out folks that drive taxicabs, I have operated a tow truck in my life, and I can tell you that a cell phone is an invaluable tool, but I'm not so sure that it's any more invaluable to me looking for directions for a house at 2:00 o'clock a.m. than it might be to a private citizen.

So again, you know, the carve-outs that we have here just don't seem quite fair to me, and for that reason I'll be opposing the Amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on House Amendment Schedule "A"? The gentleman from New Haven, Representative Candelaria of the 95<sup>th</sup> District.

REP. CANDELARIA: (95<sup>th</sup>)

Thank you, Mr. Speaker. A question through you to Representative Roy.

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DEPUTY SPEAKER GODFREY:

Please frame your question, Sir.

REP. CANDELARIA: (95<sup>th</sup>)

If I have a hands-free accessory to engage in a phone conversation and I use my one hand to dial the number, am I in violation?

DEPUTY SPEAKER GODFREY:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Yes, you may. In Lines 23 through 26, says you engage in a call means talking or listening on a hand-held mobile telephone, but does not include holding a hand-held mobile telephone to active, deactivate or initiate a function of such telephone.

DEPUTY SPEAKER GODFREY:

Representative Candelaria.

REP. CANDELARIA: (95<sup>th</sup>)

Thank you for the answer.

DEPUTY SPEAKER GODFREY:

Will you remark further on House Amendment Schedule "A"? Representative Roy for the second time.

REP. ROY: (119<sup>th</sup>)

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Thank you, Mr. Speaker. When we take the vote I'd appreciate a Roll Call Vote, please.

DEPUTY SPEAKER GODFREY:

The question before the House is on a Roll Call Vote. All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

A sufficient number, 20%, has been met and the vote will be by Roll Call. Will you remark further on House Amendment Schedule "A"? Will you remark further?

If not, staff and guests please come to the Well of the House. Members take your seats. The machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting on House Amendment Schedule "A" by Roll Call. Members to the Chamber.

DEPUTY SPEAKER GODFREY:

Have all the Members voted and is your vote properly recorded? If all the Members have voted, the

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machine will be locked and the Clerk will take a  
tally. The Clerk will announce the tally.

CLERK:

House Amendment Schedule "A" for House Bill  
Number 6722.

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	93
Those voting Nay	49
Those absent and not voting	9

DEPUTY SPEAKER GODFREY:

House Amendment Schedule "A" is adopted.

SPEAKER AMANN:

Representative Donovan.

REP. DONOVAN: (84<sup>th</sup>)

Good afternoon, Mr. Speaker. Mr. Speaker,  
apparently we're waiting for a very short Amendment,  
and in the meantime we thought we'd conduct some other  
business while we're waiting for it. So at this  
moment, I'd ask that this Bill be passed temporarily.

SPEAKER AMANN:

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Is there objection? No whistles. We're coming  
back. Don't whistle yet. Don't whistle at the  
[inaudible]. Is there objection?

Besides the whistles, are there objections?  
Being none, so ordered. Will the Clerk please call  
Calendar Number 299.

CLERK:

On Page 8, Calendar Number 299, House Bill Number  
6712, AN ACT AUTHORIZING MUNICIPALITIES TO ESTABLISH  
MUNICIPAL DEVELOPMENT AGENCIES, Favorable Report of  
the Committee on Planning and Development.

SPEAKER AMANN:

Representative Wallace.

REP. WALLACE: (109<sup>th</sup>)

Good afternoon, Mr. Speaker.

SPEAKER AMANN:

Good afternoon, Sir.

REP. WALLACE: (109<sup>th</sup>)

Mr. Speaker, I move acceptance of the Committee's  
Favorable Report and passage of the Bill.

SPEAKER AMANN:

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Necessary for Passage	72
Those voting Yea	141
Those voting Nay	1
Those absent and not voting	9

SPEAKER AMANN:

The Bill as amended is passed. Representative Roy. Actually, will the Clerk please call Calendar Number 254.

CLERK:

On Page 20, Calendar Number 254, Substitute for House Bill Number 6722, AN ACT CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES AND HAND-HELD MOBILE ELECTRONIC DEVICES BY OPERATORS OF MOTOR VEHICLES, Favorable Report of the Committee on Judiciary. House "A" has been adopted.

SPEAKER AMANN:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill as amended.

SPEAKER AMANN:

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The question is on acceptance of the Joint  
Committee's Favorable Report and passage of the Bill.

Will you remark further, Sir?

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. As we've said, this is a  
Bill that limits the use of hand-held cell phones,  
restricts the use of drivers and also goes after some  
other additional distractive behaviors. Thank you,  
Mr. Speaker.

SPEAKER AMANN:

Thank you, Sir. Will you remark further? Will  
you remark further? Representative Ward.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker. And I thank the Speaker  
and the Majority Leader for their consideration as we  
waited for an Amendment.

Mr. Speaker, if the Clerk would please call LCO  
Number 5777 and I be permitted to summarize.

SPEAKER AMANN:

Will the Clerk please call LCO Number 5777.

CLERK:

LCO Number 5777, House "B" offered by  
Representative Ward.

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SPEAKER AMANN:

Representative Ward.

REP. WARD: (86<sup>th</sup>)

Thank you, Mr. Speaker, Members of the Chamber.  
What this Amendment does is slightly change Section 2  
of the file copy. It leaves Section 2(a) relating to  
school bus drivers exactly the way it was under the  
file copy as amended by House "A".

And it changes subdivision (b), which is the  
section related to the, I'll say teen drivers, minors,  
17- and 18-year-olds.

And the change it makes in that is it deletes the  
reference to other electronic device, but leaves in  
place the restriction of using a cell phone whether or  
not it is hand-held. And I move adoption.

SPEAKER AMANN:

Thank you, Sir. The question before the Chamber  
is adoption of House Amendment Schedule "B". Will you  
remark on the Amendment, Sir?

REP. WARD: (86<sup>th</sup>)

Yes, Mr. Speaker. Mr. Speaker, what the  
Amendment does is in subdivision 2 of Section B is  
delete the reference to other electronic device, so it

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will now read that a minor operating a motor vehicle shall not use any mobile telephone, I'm sorry, shall not use any hand-held mobile telephone, including one with a hands-free accessory while operating a motor vehicle on a public highway except as provided in the section that refers to emergencies, so that any ambiguity under the prior file copy as amended with regard to other electronic device is taken out. It doesn't address electronic device at all at this point for teenage drivers.

It does leave in the file copy the reference to other electronic device for school bus operators with passengers in the vehicle. And I see some heads nodding.

I left that in deliberately because I thought the intent was if you're operating a school bus and it's moving and the kids are on the bus, we don't even want you listening to the radio or fooling with that because you should be listening to the kids.

So that's the reason, I assume that was the underlying intent. I addressed only the issue of people who aren't operating the car for a living transporting our children, but rather who are 17- or

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18-year-old drivers, to allow them frankly to listen to the radio or the CD player. And I urge the Members to support the Amendment.

SPEAKER AMANN:

Will you remark further? Will you remark further on the Amendment before us? Will you remark further? Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. Mr. Speaker, I accept this as a friendly amendment. I think it removes the ambiguity that we found there as we were in the middle of our debate before.

I still hope that in time we will be able to address the other electronic devices, but in a way that there is no ambiguity and that it conforms with our intent. Thank you, Mr. Speaker.

SPEAKER AMANN:

Thank you, Sir. Will you remark further? Will you remark further? Will you remark further on the Bill as amended? On the Amendment before us. Excuse me. If not, I'll try your minds. All in favor please signify by saying Aye.

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Aye.

SPEAKER AMANN:

All those opposed, Nay. Ayes have it. The  
Amendment is adopted. Will you remark further on the  
Bill as amended?

Will you remark further on the Bill as amended?

Oh, my Lord, here we go. Representative Witkos, good  
to see you, Sir.

REP. WITKOS: (17<sup>th</sup>)

Thank you, Mr. Speaker. Still somewhat confused  
as to some of the language in the underlying Bill.  
When we speak about emergencies in the Bill, it says  
that we're allowed to make a phone call in case of an  
emergency.

However, emergencies happen outside of our  
control and sometimes we're notified as such. I would  
consider, if I received a phone call during the day  
from my children's elementary school where I know that  
they are in school that day, that I would want to  
answer my cell phone because something has happened at  
the school that the principal or the nurse would need  
to get in touch with me.

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And through you, Mr. Speaker, to Representative Roy, would that be permissible under this Bill?

Through you, Mr. Speaker.

SPEAKER AMANN:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. I think I can speak for all the parents in the world. That certainly would be an emergency call.

Certainly any one of us would want to know that our children were safe or our grandchildren. And I don't think that anyone would ever find that to be an offense. Thank you, Mr. Speaker.

SPEAKER AMANN:

Thank you, Sir. Will you remark further?

REP. WITKOS: (17<sup>th</sup>)

Yes. Thank you, Mr. Speaker. Some of the things we talked about in the Bill, I read the J.F. report during the leave, and it was testimony that says through the AAA organization that less than 0.1% of motor vehicle accidents are caused by cell-phone usage.

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We really need to start looking at the cause. If the intent of the language of the Bill is to curb accidents, then we need to look at the root cause of what's causing these accidents.

There are statistics out there that says having another passenger in the vehicle, eating and drinking and reading are greater causes of accidents than cell phone use.

And I guess my point is that we really don't know what causes accidents of other distractions in the State of Connecticut. And I hope that we can rectify this.

And with that, I have, I'd like to ask the Clerk to call an Amendment, LCO Number 5775, and I be allowed to summarize.

SPEAKER AMANN:

Representative, for what reason do you rise, Sir?

REPRESENTATIVE:

Mr. Speaker, we do not have copies of the Amendment on this side.

SPEAKER AMANN:

Will the Chamber please stand at ease.

(CHAMBER AT EASE)

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SPEAKER AMANN:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you, Mr. Speaker. I'd like to yield the floor to Representative Miner of the 66<sup>th</sup> District.

SPEAKER AMANN:

Thank you, Sir. Representative Miner, do you accept the yield, Sir? Representative Miner.

REP. MINER: (66<sup>th</sup>)

I hope that's not a softball, Mr. Speaker.

SPEAKER AMANN:

It's beyond that.

REP. MINER: (66<sup>th</sup>)

It's beyond that. I'll bet. Thank you, Mr. Speaker. I'm not sure. Did he withdraw his Amendment?

SPEAKER AMANN:

We never called it, Representative Miner. So softball is in your court, Sir.

REP. MINER: (66<sup>th</sup>)

Thank you, Mr. Speaker. Thank you. If I could, through you, a question to the proponent of the Bill.

SPEAKER AMANN:

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You may proceed, Sir. Representative Roy, please prepare yourself, Sir.

REP. MINER: (66<sup>th</sup>)

Thank you, Mr. Speaker. In Section 7 there's a reference to issuing of a summons and then it goes on to talk about how that would be done.

Through you, Mr. Speaker, prior to the adoption of this Bill, would such a summons, could I be issued that summons? Through you, Mr. Speaker.

SPEAKER AMANN:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

I'm sorry, Sir. I missed the very first part of your question.

SPEAKER AMANN:

Representative Miner, could you please ask the question again, Sir?

REP. MINER: (66<sup>th</sup>)

Sure. Thank you, Mr. Speaker. Section 7 of the Bill, which was the Amendment which we approved, talks about an enforcement officer issuing a summons for violation of Sections 1, 2 or 6 of this act.

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Prior to this becoming law, does such a summons exist, can I be issued a summons for that violation? Through you, Mr. Speaker.

SPEAKER AMANN:

I'm sorry, Sir. Representative Miner just asked you a question, Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Mr. Speaker. Through you, moving violations, you certainly could be issues a summons, but the distracted portions of this Bill, you do not get a summons at this time.

SPEAKER AMANN:

Representative Miner.

REP. MINER: (66<sup>th</sup>)

Thank you, Mr. Speaker. And I thank the gentleman for his section, I mean for his answer. I actually, in reading this Bill, came to the same conclusion as the gentleman did.

And I have an Amendment. If it would be called please, it's LCO Number 5779, and I be allowed to summarize, please.

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Representative Miner, please bear with us for one second, Sir.

REP. MINER: (66<sup>th</sup>)

Yes, Sir.

SPEAKER AMANN:

Will the Clerk please call, excuse me, LCO Number 5779. To the Chamber, we're having some technical difficulties. Pay no attention to your TV set.

REP. MINER: (66<sup>th</sup>)

It's a good thing we're not driving, Mr. Speaker.

SPEAKER AMANN:

Will the Clerk please call LCO Number 5779, which will be designated House Amendment Schedule "C".

CLERK:

LCO Number 5779, House "C" offered by  
Representative Miner.

SPEAKER AMANN:

Representative seeks leave of the Chamber to summarize the Amendment. Is there objection on summarization? Is there objection? Hearing none, Representative Miner, you may proceed with summarization, Sir.

REP. MINER: (66<sup>th</sup>)

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Thank you, Mr. Speaker. What this Amendment does is allocate \$15 of the fine that will be imposed to the municipality that issues that summons.

I think we all heard earlier that currently there would be no fine for this infraction and that when the municipal enforcement officer issues the infraction, this is an attempt to try and return some of the costs of them being out there enforcing this new law and maybe even going to court to defend the issuance of the infraction. And so I ask that this be adopted. I move adoption.

DEPUTY SPEAKER FRITZ:

Will you remark further?

REP. MINER: (66<sup>th</sup>)

Thank you, Madam Speaker. My intention here, as I said, is just to try to recognize that each of the municipalities that we live in get called upon to enforce regulations and statutes and laws.

And in this case, I think it's a recognition of the amount of time and effort that it takes a municipal enforcement officer to go out and issue that summons.

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And in the case that that ticket ends up going to court, actually going to court to defend it, quite often our constables are required to go to court to defend the issuance of such a summons.

And I think we can all imagine that that may and probably will occur. So I ask the Chamber to support this and it's intended as a friendly Amendment.

DEPUTY SPEAKER FRITZ:

Will you remark further on the Amendment before us? Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Madam Speaker. I accept the intent with a smile. However, I do have to oppose the Amendment.

The concept is interesting. I think it should be supported in the future, but not at this time. And I urge a no vote from the Chamber. Thank you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Thank you, Representative Roy. Representative Miner, for the second time.

REP. MINER: (66<sup>th</sup>)

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Thank you, Madam Speaker, and I will be brief. I think we all understand the costs associated with us passing laws up here.

I'm not asking the State of Connecticut to give its money up. This is a situation where we don't currently get any revenue. This is newfound money.

I'm so concerned about the way that we tend to pass on these responsibilities to municipalities without any funding that I would ask that when the vote be taken on this it be taken by Roll Call. Through you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

The question is on a Roll Call Vote. All those in favor of a Roll Call please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRITZ:

Twenty percent has been achieved. When the vote is taken, it will be taken by Roll. Will you remark further on the Amendment before us? Will you remark further on the Amendment before us? Representative Alberts.

REP. ALBERTS: (50<sup>th</sup>)

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Thank you, Madam Speaker. I have a question through you to the Amendment proposer. Under the terms of his Amendment, if a town has a resident State Trooper Program, would these revenues flow back to the municipality?

DEPUTY SPEAKER FRITZ:

Representative Roy.

REP. ALBERTS: (50<sup>th</sup>)

Actually, that would be, excuse me, Madam Speaker--

DEPUTY SPEAKER FRITZ:

Representative Alberts.

REP. ALBERTS: (50<sup>th</sup>)

That would be to--

DEPUTY SPEAKER FRITZ:

Representative Miner. Sorry.

REP. MINER: (66<sup>th</sup>)

Maybe I'll have Mr. Wilber, Representative Wilber answer. My intention here is a recognition of our local enforcement officers and the costs associated with a municipal response to this new enforcement policy.

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And so I did not envision that if you were a resident trooper state, that the State police officer that issued that ticket would then be allowed to credit some of that money to the municipality. So the answer is no, it would just be a local police officer.

DEPUTY SPEAKER FRITZ:

Representative Alberts.

REP. ALBERTS: (50<sup>th</sup>)

Thank you, Madam Speaker. So even though, through you, Madam Speaker, to the Amendment's proposer, even though the bulk of the cost of a resident state trooper program is borne by the municipality, the municipality would not benefit from the \$15 fee.

DEPUTY SPEAKER FRITZ:

Representative Miner.

REP. MINER: (66<sup>th</sup>)

Excuse me, Madam Speaker. I was, would you please repeat the question. I'm sorry.

DEPUTY SPEAKER FRITZ:

Representative Alberts, would you please rephrase the question.

REP. ALBERTS: (50<sup>th</sup>)

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Thank you, Madam Speaker. Through you, Madam Speaker. Even though the resident state trooper program, the bulk of that cost is paid for by the municipality and not the State, it is my understanding that, it would seem appropriate that the revenue stream from that \$15 as proposed would flow to that municipality. Through you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Representative Miner.

REP. MINER: (66<sup>th</sup>)

Thank you, Madam Speaker. I don't necessarily disagree with the gentleman. I think that there is a cost to a municipality for a resident trooper program.

When I asked that this Amendment be drafted, I asked it to be drafted specific to municipal law enforcement officers.

I think his point is well-taken. I have no ability to expand this Amendment. Maybe if we talk about it awhile, he can have one drafted.

But at this point I would have to say that my Amendment stands the way it is and it would not flow through to the municipality based on a resident trooper program.

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DEPUTY SPEAKER FRITZ:

Representative Alberts.

REP. ALBERTS: (50<sup>th</sup>)

Thank you, Madam Speaker. Thank you to the gentleman.

DEPUTY SPEAKER FRITZ:

Representative Dargan.

REP. DARGAN: (115<sup>th</sup>)

Thank you, Madam Speaker. A question to the proponent of the Amendment.

DEPUTY SPEAKER FRITZ:

Representative Miner, please prepare yourself.

Representative Dargan.

REP. DARGAN: (115<sup>th</sup>)

Thank you, Madam Speaker. Through you, Representative Miner, is there a mechanism in place if in fact a public safety officer issues a summons of that \$100 and within your Amendment the \$15 that would go back to such a municipality where the infraction occurred, is there a mechanism to return that monies to any one of the 169 municipalities within our State? Through you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

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Representative Miner.

REP. MINER: (66<sup>th</sup>)

Madam Speaker, I'm not aware of the policy or how it would be done. I would envision that the State of Connecticut, we the Legislature and the departments that we control, would have the wherewithal to make sure that the money got back to the municipality, I would imagine through the Department of Revenue Services, would handle that. Through you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Representative Dargan.

REP. DARGAN: (115<sup>th</sup>)

Thank the gentleman for his response. Thank you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Will you remark further on the Amendment before us? Will you remark further on the Amendment before us? If not, will staff and guests please come to the Well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by Roll

Call. Members to the Chamber. The House is voting

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House Amendment Schedule "C" by Roll Call. Members to  
the Chamber.

DEPUTY SPEAKER FRITZ:

Have all the Members voted? Have all the Members  
voted? Have all the Members voted? Have all the  
Members voted?

Please check the board to make sure your vote is  
accurately cast. If so, the machine will be locked  
and the Clerk will take the tally. The Clerk will  
announce the tally.

CLERK:

House Amendment Schedule "C" for House Bill

Number 6722.

Total Number Voting	138
Necessary for Passage	70
Those voting Yea	65
Those voting Nay	73
Those absent and not voting	13

DEPUTY SPEAKER FRITZ:

The Amendment fails. Will you remark further on  
the Bill as amended? Will you remark further on the  
Bill as amended? Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

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Thank you, Madam Speaker. I believe the Clerk has in his possession LCO Number 5775. I ask that it be called and I be allowed to summarize.

DEPUTY SPEAKER FRITZ:

Will the Clerk please call LCO Number 5775, designated House "D".

CLERK:

LCO Number 5775, House "D" offered by Representative Witkos.

DEPUTY SPEAKER FRITZ:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you, Madam Speaker. There was much concern as to the legislation that we're passing here today and now we've just added a little bit more confusion as the Amendment, as the--

DEPUTY SPEAKER FRITZ:

The Chamber is getting very unruly. It is very difficult for the Members to hear another Member bringing out an amendment or a bill. Let's show our colleagues the respect that's due them. Thank you. Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

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Thank you, Madam Speaker. And I often think that we're putting the cart before the horse here in this piece of legislation we're debating today because I don't think we honestly know if cell phones or other electronic devices are the main problem for causing accidents in the State of Connecticut.

And I think this Amendment will address that. What the Amendment does, Madam Speaker, is, and I move adoption.

DEPUTY SPEAKER FRITZ:

The question is on adoption of the Amendment. And now, Representative Witkos, you're going to summarize, please.

REP. WITKOS: (17<sup>th</sup>)

Yes, thank you, Madam Speaker. Effective January 1, 2006, the Commissioner of Transportation will cause the motor vehicle accident report forms that police officers fill out to include a section of contributing factors, whether or not a cell phone or an electronic device was actually a contributing factor in the cause of the accident.

And that will cause a report to be compiled and transported to the Connecticut General Assembly no

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later than February 1, 2007, to the Committee of  
Cognizance.

And I think with that report, Madam Speaker, we  
will know accurately what are the contributing factors  
for motor vehicle accidents. And I ask passage of the  
Amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Madam Speaker. Madam Speaker, to the  
proponent of the Amendment. Is there a fiscal note,  
Sir?

DEPUTY SPEAKER FRITZ:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Through you, Madam Speaker. Yes, there is.

DEPUTY SPEAKER FRITZ:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Madam Speaker. Through you. Would  
the promote, proponent please let us know what that  
fiscal note is.

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DEPUTY SPEAKER FRITZ:

Representative Witkos.

REP. WITKOS: (17<sup>th</sup>)

Thank you. Thank you. Through you, Madam Speaker. While I'm reading the notes on the fiscal note, I reserve judgment and comment on the fact that I haven't had a chance to speak to the person that came up with the OFA analysis.

They have estimated that a cost of \$100,000 fiscal year '06 and \$75,000 in fiscal year '07 would be the cost of this Amendment.

And the reason why I said that I have some reservations about that is because, Madam Speaker, when we're enacting new legislation, we're saying that here is additional fines that are going to be coming into the Infractions Bureau and they can absorb that at no additional costs.

And then there's a provision in the Bill that says if we want to contest it and we purchase or acquire a hands-free device, we can go to court and we can show this evidence and have the fine removed and the Judicial Department can handle those additional

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court appearances with no additional cost or  
personnel.

But what I'm asking for is just a little check-off box on a form. And I find that hard to believe that we have to hire an additional person under the analysis when we're paying \$25,000 for a computer software program that will tabulate those results, that we have to have another person to do that.

So with that, I don't agree with the OFA analysis, but that's why it was sent to me. Through you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Representative Roy.

REP. ROY: (119<sup>th</sup>)

Thank you, Madam Speaker. Madam Speaker, it's my understanding that this figure is not part of the budget. It is not there.

And the original Bill also asks us to get the information on other activities, so I'm going to ask that we reject this Amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Thank you, Representative Roy. Will you remark

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further on the Amendment before us? Will you remark  
further on the Amendment before us? If not, let me  
try your minds. All those in favor please signify by  
saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRITZ:

Those opposed, Nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER FRITZ:

The Amendment fails. Will you remark further on  
the Bill before us? Will you remark further on the  
Bill before us?

Will you remark further on the Bill before us?  
If not, will staff and guests please come to the Well  
of the House, oh, Representative Miller.

REP. MILLER: (122<sup>nd</sup>)

Thank you, Madam Speaker. I have a folder in my  
office that has all kinds of statistical data. But  
I'll tell you, the one complaint I get from  
constituents, some of them my own, others from other

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areas of the State, is can you do something about the cell phones.

And I'll bet you there must be about a million people in this State that have had it with cell phones.

And here we are, 187 Members of the General Assembly, why don't we pay heed to what the people want, and they don't like cell phones in cars. And I know I've been a recipient of a couple, well, half a dozen brushes so far that I know of.

And I think we ought to do something, pass this Bill, make our highways safer, and get it out of the way. So therefore I urge the Chamber to vote for this Bill as amended. Thank you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Thank you, Representative Miller. Will you remark further on the Bill as amended? If not, will staff and guests please come to the Well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber, please.

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SPEAKER AMANN:

Have all the Members voted? Have all the Members voted? Will Members please check the board to make sure that your votes have been properly cast.

If all the Members have voted, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally. Hold on. Hold on, please.

Representative Panaroni. Representative Backer. Please cast one vote, Representative Backer, in the negative. Representative Heinrich.

REP. HEINRICH: (101<sup>st</sup>)

Could my vote be recorded in the positive, Mr. Speaker, please.

SPEAKER AMANN:

Mr. Clerk, please one vote for the positive. Representative Martinez.

REP. MARTINEZ: (128<sup>th</sup>)

On the affirmative, please.

SPEAKER AMANN:

Please cast one vote in the affirmative. Representative Lawlor.

REP. LAWLOR: (99<sup>th</sup>)

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In the affirmative, Mr. Speaker.

SPEAKER AMANN:

Please cast one vote in the affirmative,  
Representative Lawlor. Representative Panaroni.

REP. PANARONI: (102<sup>nd</sup>)

In the affirmative, please.

SPEAKER AMANN:

Thank you, Sir. Please note one vote, Panaroni,  
in the positive. Will the Clerk please announce the  
tally.

CLERK:

House Bill Number 6722, as amended by House  
Amendment Schedules "A" and "B".

Total Number Voting	140
Necessary for Passage	71
Those voting Yea	116
Those voting Nay	24
Those absent and not voting	11

SPEAKER AMANN:

The Bill passes as amended. Congratulations,  
Representative Roy. Will the Clerk please call  
Calendar Number 107.

CLERK:

JOINT  
STANDING  
COMMITTEE  
HEARINGS

TRANSPORTATION  
PART 5  
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UNIDENTIFIED SPEAKER: Right on the bell, Mayor.  
Very good.

REP. GUERRERA: Next, Commissioner Korta.

UNIDENTIFIED SPEAKER: Honorable Co-chairs?

UNIDENTIFIED SPEAKER: Commissioner Downes, do you  
want to come up with him also?

DON DOWNES: I'll come up as soon as [inaudible -  
microphone not on].

COMM. STEVE KORTA: The final comment that I have.  
Co-Chairs, Members of the Committee, respective  
of the time limitations, I thank you on behalf  
of the Department for raising the Department's  
Legislative package this year.

And if I may just comment on each of those very  
briefly, beginning with House Bill 6718 and  
that concerning ENERGY EFFICIENT STREETSCAPE  
LIGHTING. This bill would simply modify  
Section 13(a), 110(a) to require the use of  
cutoff lighting as defined in by the  
Illumination Engineering Society in place of  
full cutoff lighting for streetscape light  
fixtures.

The next item is House Bill 6720, AN ACT  
CONCERNING ROUNDABOUTS. House Bill 6720 seeks  
to include roundabouts within the existing  
definition of rotary traffic islands and to  
further establish right-of-way at rotaries and  
roundabouts. Details are attached to the  
submissions.

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House Bill 6721, AN ACT CONCERNING AESTHETIC ILLUMINATION DESIGN CRITERIA FOR ROADS AND BRIDGES. The bill would allow DOT to establish design criteria for aesthetic lighting for its historical and signature bridge and road structures.

House Bill 6722, AN ACT CONCERNING OUTDOOR ADVERTISING. The bill seeks to make two changes to statutes governing the activities of outdoor advertisers. It first requires sign structures to be fully constructed with a six-month period of the date the permit is issued. Secondly, increases the penalty for noncompliance of outdoor advertising laws.

The next item is House Bill 6756, AN ACT CONCERNING CONVEYANCE OF CERTAIN REAL ESTATE. The bill would amend or repeal certain land conveyances from the Department to various entities and municipalities. Within the past few years the General Assembly has mandated DOT convey certain parcels of State land to various entities and municipalities.

The Department has addressed each of these transactions to the best of our ability, but has found that certain conveyances outlined within the documentation submitted cannot be completed for the reasons stated.

Next, House Bill 6723, AN ACT CONCERNING PLACEMENT OF UTILITY TRANSMISSION LINES IN THE HIGHWAY RIGHT-OF-WAY AND REVIEW OF FEDERALLY APPROVED TRANSMISSION LINES. If I may, I would like to present the Department's statement very briefly and then invite Chairman Downes of DPUC

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UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

REP. GUERRERA: He's going to take all your three minutes? Is that what you're saying?

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

REP. GUERRERA: Okay.

JOHN BARRETT: Good afternoon, Senator Ciotto and Representative Guerrera and the rest of the Committee.

First, the Outdoor Advertising Association would be more than happy to help out the Railroad Museum if the State is unable to find space on their right-of-way, we'd be--

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

JOHN BARRETT: Oh, sorry. John Barrett, the Outdoor Advertising Association of Connecticut. Saying we'd be more than happy to accept the billboard permit off the right-of-way to help the Railroad Museum.

I am here today to testify on House Bill 6722, AN ACT CONCERNING OUTDOOR ADVERTISING. The Outdoor Advertising Association of Connecticut most respectfully opposes Section 1 of this legislation.

Section 1 would create a six-month window after the issuance of a permit during which a new

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sign must be completed at the peril of losing that permit.

Sign leases are often part of a complex real estate transaction that requires other parties to perform other transactions over a long timeframe. These transactions include, but are not limited to, real estate swaps, relocations of buildings or ancillary structures, tenant relocations, and large-scale redevelopment.

In other instances, signs are relocated as a result of State action, like highway reconstruction. In these cases, the sign construction timeline is indirectly set by the State where one or more phases of a multiyear State construction project must be completed prior to the commencement of the sign construction.

In all these cases, a rigid construction deadline of six months is impossible to meet. For these reasons, we respectfully ask that you delete Section 1 of this legislation before you take final action on the proposal.

The Association understands the Department's desire to prohibit the issuance of permits for locations with no sign structures. The Association is committed to working with the Department to address this most important issue.

With regards to Section 2 and 3, the Outdoor Advertising Association supports the Department's desire to increase penalties for noncompliance with the State Outdoor

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Advertising laws to deprive unscrupulous individuals of any profits derived from flaunting the law.

Prior to final action of this proposal, the Association requests that this section be amended to add clarify for permittees working in good faith to have an opportunity to remedy any inadvertent transgressions.

Therefore, we recommend the following changes to the section. One, the amount of the penalty be fixed at \$100 per day per violation. This penalty is sufficient to remove all profit from any illegal display.

Two, there should be a grace period of 15 days from the time the outdoor operator is notified of the infraction to the time the penalties start to accrue.

Currently, the penalty would start at the time that the DOT detects the infraction.

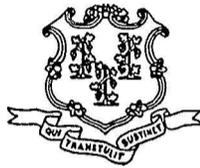
Three, the Association agrees with the Department's recommendation that the permit should be revoked if the violation continues for a period of 60 consecutive days.

Thank you for this opportunity to testify. I'd be more than happy to answer any questions.

REP. GUERRERA: Any questions? Thank you very much for your testimony. Leo Smith.

LEO SMITH: Good morning. My name's Leo Smith. I'm the Connecticut Section Leader for the

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STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

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Office of the  
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**Public Hearing – February 25, 2005**  
**Transportation Committee**

**Testimony Submitted by Commissioner Stephen E. Korta, II**  
**Department of Transportation**

**H.B. 6722 - An Act Concerning Outdoor Advertising**  
*(Department of Transportation proposal)*

The Department of Transportation supports H.B. 6722, AAC Outdoor Advertising and offers the following comments.

H.B. 6722 seeks to make two changes to statutes governing the activities of outdoor advertisers.

It first requires sign structures to be fully constructed within six months of the date the permit is issued. The Department believes that permits should not be allowed where there is no sign structure. There should never be a permit without a sign since it prevents other sign companies from applying for a sign at that location or within certain prohibited distances on either side of the proposed location. Currently, a sign company could obtain a sign permit and not construct a sign by continuing to pay the annual renewal permit fee. For example, if the proposed location were along the interstate, 1000 feet would be frozen out for all other applicants, since there is a requirement of 500 feet between permitted locations. Department resources are expended to review such applications for those instances where a sign company does not actually build a sign.

Second, H.B. 6722 increases the penalty for non-compliance of outdoor advertising laws. The present penalty is so low that it is not cost effective to even think about bringing legal action to remedy the violation. Also, enforcement of the penalty provision is problematic due to vagueness. Correspondingly, there is presently very little incentive for the advertising company to bring their sign into compliance with the outdoor advertising laws.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation at (860) 594-3013.

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OUTDOOR ADVERTISING ASSOCIATION OF CONNECTICUT, INC.

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Written Testimony of  
John E. Barrett, Legislative Director  
Outdoor Advertising Association of Connecticut, Inc.

**Raised Bill No. 6722**  
**An Act Concerning Outdoor Advertising**

Friday, February 25, 2005  
General Assembly's Transportation Committee

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OUTDOOR ADVERTISING ASSOCIATION OF CONNECTICUT, INC.

Written Testimony of  
John E. Barrett, Legislative Chair  
Outdoor Advertising Association of Connecticut, Inc.  
Friday, February 25, 2005  
General Assembly's Transportation Committee

**Raised Bill No. 6722, An Act Concerning Outdoor Advertising**

Good afternoon Senator Ciotto, Representative Guerra and members of the Transportation Committee, my name is John Barrett and I am testifying on behalf of the Outdoor Advertising Association of Connecticut, Inc. (OAAC). I am also the chief operating officer of Barrett Outdoor Communications, Inc. of West Haven. I appreciate you giving me this opportunity to testify on House Bill 6722, "An Act Concerning Outdoor Advertising."

The Outdoor Advertising Association of Connecticut most respectfully opposes Section 1 of this legislation. Section 1 would create a six-month window after the issuance of a permit, during which a new sign must be completed at the peril of losing the permit.

Sign leases are often part of complex real estate transactions that require other parties to perform other transactions over a long time frame. These transactions include but are not limited to, real estate swaps, relocations of buildings or ancillary structures, tenant relocations and large-scale redevelopment. In other instances signs are relocated as the result of state action like highway reconstruction. In these cases, the sign construction timeline is indirectly set by the State, where one or more phases of a multiyear state construction project must be completed prior to the commencement of the sign construction. In all of these cases a rigid construction deadline of six months is impossible to meet. For these reasons we respectfully ask that you delete section 1 of this legislation before you take final action on this proposal.

The Association understands the Department's desire to prohibit the issuance of permits for locations with no sign structures. The Association is committed to working with the Department to address this most important issue.

In regards to Section 2 and 3 the Outdoor Advertising Association of Connecticut supports the department's desire to increase penalties for non-compliance with the state outdoor advertising laws to deprive unscrupulous individuals of any profits derived from flaunting the law. Prior to final action on this proposal the Association requests that this section be amended to add clarity for permittees working in good faith to have an opportunity to remedy any inadvertent infraction.

Therefore we recommend the following changes to this section:

1. The amount of the penalty should be fixed at \$100 per day per violation. This penalty is *sufficient to remove all profit from an illegal display.*
2. There should be grace period of 15 days from the time the outdoor operator is notified of the infraction to the time the penalties start to accrue. Currently the penalty would start to accrue before the outdoor operator is made aware they are in violation.
3. The Association agrees with the Department's recommendation that the permit should be revoked if the violation continues for a period of 60 consecutive days.

Thank you for this opportunity to testify. At this time I would be glad to answer any questions.

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OUTDOOR ADVERTISING ASSOCIATION OF CONNECTICUT, INC.

## Attachment

Amendment to Raised Bill 6722 (LCO# 3644)

Delete Section 1.

Redraft Section 2 as follows:

Sec. 2. Section 21-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

Any person who erects, maintains, displays or allows to remain in view an advertisement, sign or billboard or any structure designated for the display of advertising matter contrary to any provision of this chapter, [shall be fined not more than one hundred dollars for each sign so displayed.] Section 13a-123 of the general statutes and/or any administrative regulations promulgated there under, shall be considered to be in violation of this chapter. The Commissioner of Transportation shall impose a civil penalty in the amount of one hundred dollars for each day a display face is found to be in violation. For the purposes of calculating the penalty, the period of a violation shall commence fifteen (15) days from the date the sign owner has been notified of the violation by the department of transportation until the date that the department of transportation confirms that the violation has been remedied. Any such violation that continues for more than sixty consecutive days shall be cause for revocation of the permit granted pursuant to this chapter with which the violation is associated.

Delete Section 3, which has been incorporated into Section 2.