

**SB 5160.E - DIGEST**

(AS OF SENATE 2ND READING 2/03/06)

Declares that a person operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction.

Does not apply to a person operating: (1) An authorized emergency vehicle;

(2) A moving motor vehicle using a wireless communications device in hands-free mode;

(3) A moving motor vehicle using a hand-held wireless communications device to: (a) Report illegal activity; (b) summon medical or other emergency help; (c) prevent injury to a person or property.

Declares that the state preempts the field of regulating the use of wireless communications devices in motor vehicles, and this act supersedes any local laws, ordinances, orders, rules, or regulations enacted by a political subdivision or municipality to regulate the use of wireless communications devices by the operator of a motor vehicle.

Provides that enforcement of this act by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this act or an equivalent local ordinance or some other offense.

Provides that, for the first six months after the effective date of this act, law enforcement officers may only issue verbal warnings for violations of this act.

Takes effect July 1, 2006.