

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 338 and 1283**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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ADOPTED OCTOBER 17, 2002

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**District 8 (Burlington)**

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**Senators Vitale, McNamara, Assemblymen Munoz, Rooney,  
Assemblywoman Greenstein, Assemblymen Azzolina and Eagler**

**SYNOPSIS**

Permits use of hands-free wireless phones in moving vehicles.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Law and Public Safety and Veterans'  
Affairs Committee.

(Sponsorship Updated As Of: 1/13/2004)

1 AN ACT concerning the use of wireless telephones in motor vehicles  
2 and supplementing chapter 4 of Title 39 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. The use of a wireless telephone by an operator of a moving  
8 motor vehicle on a public road or highway shall be unlawful except  
9 when the telephone is a hands-free wireless telephone, provided that  
10 its placement does not interfere with the operation of federally  
11 required safety equipment and the operator exercises a high degree of  
12 caution in the operation of the motor vehicle.

13 b. The operator of a motor vehicle may use a hand-held wireless  
14 telephone while driving with one hand on the steering wheel only if:

15 (1) The operator has reason to fear for his life or safety, or  
16 believes that a criminal act may be perpetrated against himself or  
17 another person; or

18 (2) The operator is using the telephone to report to appropriate  
19 authorities a fire, a traffic accident, a serious road hazard or medical  
20 or hazardous materials emergency, or to report the operator of another  
21 motor vehicle who is driving in a reckless, careless or otherwise unsafe  
22 manner or who appears to be driving under the influence of alcohol or  
23 drugs. A hand-held wireless telephone user's telephone records or the  
24 testimony or written statements from appropriate authorities receiving  
25 such calls shall be deemed sufficient evidence of the existence of all  
26 lawful calls made under this paragraph.

27 As used in this act, "hands-free wireless telephone" means a mobile  
28 telephone that has an internal feature or function, or that is equipped  
29 with an attachment or addition, whether or not permanently part of  
30 such mobile telephone, by which a user engages in a conversation  
31 without the use of either hand; provided, however, this definition shall  
32 not preclude the use of either hand to activate, deactivate, or initiate  
33 a function of the telephone.

34 "Use" of a wireless telephone shall include, but not be limited to,  
35 talking or listening to another person on the telephone.

36 c. Enforcement of this act by State or local law enforcement  
37 officers shall be accomplished only as a secondary action when the  
38 operator of a motor vehicle has been detained for a violation of Title  
39 39 of the Revised Statutes or another offense.

40 d. A person who violates this section shall be fined no less than  
41 \$100 or more than \$250.

42 e. No motor vehicle points or automobile insurance eligibility  
43 points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be  
44 assessed for this offense.

45 f. The Director of the Division of Motor Vehicles shall develop a

1 nd undertake a program to notify and inform the public as to the  
2 provisions of this act.

3

4 2. The prohibitions set forth in this act shall not be applicable to  
5 any of the following persons while in the actual performance of their  
6 official duties: a law enforcement officer; a member of a paid, part-  
7 paid, or volunteer fire department or company; or an operator of an  
8 authorized emergency vehicle.

9

10 3. This act supercedes and preempts all ordinances of any county  
11 or municipality with regard to the use of a wireless telephone by an  
12 operator of a motor vehicle.

13

14 4. This act shall take effect on the first day of the sixth month  
15 after enactment.