

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 3, 2009  
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB09-1094 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, strike lines 7 through 15 and substitute the  
2 following:

3           "~~(a) "Emergency" means a situation in which a person:~~

4           ~~(I) Has reason to fear for such person's life or safety or believes~~  
5 ~~that a criminal act may be perpetrated against such person or another~~  
6 ~~person, requiring the use of a mobile communication device WIRELESS~~  
7 ~~TELEPHONE while the car is moving; or~~

8           ~~(II) Reports a fire, a traffic accident in which one or more injuries~~  
9 ~~are apparent, a serious road hazard, a medical or hazardous materials~~  
10 ~~emergency, or a person who is driving in a reckless, careless, or otherwise~~  
11 ~~unsafe manner."COMMERCIAL DRIVER" MEANS A PERSON HOLDING A~~  
12 ~~VALID COMMERCIAL DRIVER'S LICENSE AS DEFINED BY SECTION 42-2-402~~  
13 ~~(1).~~

14           (b) "EMERGENCY" MEANS A SITUATION IN WHICH A PERSON:

15           (I) HAS REASON TO FEAR FOR SUCH PERSON'S LIFE OR SAFETY OR  
16 BELIEVES THAT A CRIMINAL ACT MAY BE PERPETRATED AGAINST SUCH  
17 PERSON OR ANOTHER PERSON, REQUIRING THE USE OF A WIRELESS  
18 TELEPHONE WHILE THE CAR IS MOVING; OR

1 (II) REPORTS A FIRE, A TRAFFIC ACCIDENT IN WHICH ONE OR MORE  
2 INJURIES ARE APPARENT, A SERIOUS ROAD HAZARD , A MEDICAL OR  
3 HAZARDOUS MATERIALS EMERGENCY, OR A PERSON WHO IS DRIVING IN A  
4 RECKLESS, CARELESS, OR OTHERWISE UNSAFE MANNER."

5 Reletter succeeding paragraphs accordingly.

6 Page 4, line 9, after "COURT", insert "OR THE DEPARTMENT OF REVENUE";

7 line 13, after "COURT", insert "OR THE DEPARTMENT OF REVENUE".

8 Page 5, line 2, strike "OR";

9 strike line 3 and substitute the following:

10 (c) THE OPERATOR OF AN AUTHORIZED EMERGENCY VEHICLE AS  
11 DEFINED IN SECTION 42-1-102 (6);

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13 (d) THE OPERATOR OF AN AUTHORIZED SERVICE VEHICLE AS  
14 DEFINED IN SECTION 42-1-102 (7);

15 (e) A MEMBER OF AN AMBULANCE SERVICE AS DEFINED IN SECTION  
16 25-3.5-103 (3), C.R.S.; OR

17 (f) A MEMBER OF A RESCUE UNIT AS DEFINED IN SECTION  
18 25-3.5-103 (11), C.R.S.

19 (9) THIS SECTION DOES NOT RESTRICT OPERATION OF AN AMATEUR  
20 RADIO STATION BY A PERSON WHO HOLDS A VALID AMATEUR RADIO  
21 OPERATOR LICENSE ISSUED BY THE FEDERAL COMMUNICATIONS  
22 COMMISSION.

23 (10) THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION SHALL  
24 NOT APPLY TO A COMMERCIAL DRIVER OPERATING A WIRELESS  
25 TELEPHONE FOR A USE OTHER THAN TEXT MESSAGING OR OTHER FORMS  
26 OF MANUAL DATA ENTRY OR TRANSMISSION WHILE DRIVING A VEHICLE  
27 WITH A GROSS WEIGHT VEHICLE RATING OF 10,001 OR MORE POUNDS  
28 THAT IS TRANSPORTATION FREIGHT AND NOT TRANSPORTING PERSONS."

29 Renumber succeeding subsection accordingly.

1 Page 5, strike lines 6 and 7 and substitute the following:

2 "CONCERN."

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