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States Exempting Amateur Radio from Hands-Free

Alaska

There are no driving restrictions regarding the use of cell phones. However, it is illegal to text while driving. This applies to all ages.

Alabama

No specifics.

Arkansas

Connecticut

Obviously a specific exclusion to avoid...

“(4) Subdivision (1) of this subsection shall not apply to: (A) The use of a hand-held mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: An emergency response operator; a hospital, physician's office or health clinic; an ambulance company; a fire department; or a police department, or (B) any of the following persons while in the performance of their official duties and within the scope of their employment: A peace officer, as defined in subdivision (9) of section 53a-3, a firefighter or an operator of an ambulance or authorized emergency vehicle, as defined in section 14-1, or a member of the armed forces of the United States, as defined in section 27-103, while operating a military vehicle, or (C) *the use of a hand-held radio by a person with an amateur radio station license issued by the Federal Communications Commission, or* (D) the use of a hands-free mobile telephone.”

<https://www.cga.ct.gov/2012/ACT/PA/2012PA-00067-R00SB-00061-PA.htm>

Delaware

“• Exemptions:

- Law enforcement, firefighter, EMS technician or other operator of authorized emergency vehicles in the performance of their official duties;
- Anyone reporting an emergency;
- A person driving or operating a farm tractor, non-registered farm truck or farm equipment;
- HAM radio operators;
- Business or government employees who use a two-way radio mounted or attached to a motor vehicle to communicate with a central dispatch or base of operation, or with other employees (i.e.: taxi companies, utility companies and DelDOT).



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Illinois

The following exemptions to the hand held cell phone ban are included in the new law:

law enforcement officer or operator of an emergency vehicle while performing his or her official duties;

a driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation;

a driver using an electronic communication device in hands-free or voice-operated mode, which may include the use of a headset;

a driver of a commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size;

a driver using an electronic communication device while parked on the shoulder of a roadway; or

a driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;

a driver using two-way or citizens band (CB) radio services;

a driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in the amateur radio service;

a driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication; or a driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal digital assistant (for example, a fleet management system, dispatching device, citizens band radio, or music player) for a purpose that is not otherwise prohibited.

New York

<http://www.safenyny.gov/phon-vt.htm>



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Oregon

(3) This section does not apply to a person who activates or deactivates a mobile communication device or a function of the device or who uses the device for voice communication if the person:

- (a) Is summoning medical or other emergency help if no other person in the vehicle is capable of summoning help;
- (b) Is using a mobile communication device for the purpose of farming or agricultural operations;
- (c) Is operating an ambulance or emergency vehicle;
- (d) Is 18 years of age or older and is using a hands-free accessory;
- (e) Is operating a motor vehicle while providing public safety services or emergency services;
- (f) Is operating a motor vehicle while acting in the scope of the person's employment as a public safety officer, as defined in ORS 348.270 (Scholarships for children of public safety officers);
- (g) Is operating a tow vehicle or roadside assistance vehicle while acting in the scope of the person's employment;
- (h) Holds a valid amateur radio operator license issued or any other license issued by the Federal Communications Commission and is operating an amateur radio;
- (i) Is operating a two-way radio device that transmits radio communication transmitted by a station operating on an authorized frequency within the citizens' or family radio service bands in accordance with rules of the Federal Communications Commission;
- (j) Is operating a vehicle owned or contracted by a utility for the purpose of installing, repairing, maintaining, operating or upgrading utility service, including but not limited to natural gas, electricity, water or telecommunications, while acting in the scope of the person's employment; or
- (k) Is using a function of the mobile communication device that allows for only one-way voice communication while the person is:
 - (A) Operating a motor vehicle in the scope of the person's employment;
 - (B) Providing transit services; or
 - (C) Participating in public safety or emergency service activities

Texas (Austin)

- ⊖) This section does not apply to an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a portable electronic device or an operator using a two-way radio communication device in a commercial vehicle.



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Vermont

While not specifically exempting “two-way radio”, their law seems clearer about “hands-free”

“§ 1095b. *Handheld use of portable electronic device* prohibited

(a) Definition. As used in this section, "hands-free use" means the use of a portable electronic device without use of either hand by employing an internal feature of, or an attachment to, the device.

(b) Use of handheld portable electronic device prohibited.

(1) A person shall not use a *portable electronic device* while operating a moving motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles.”



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Washington

“(2)(a) Subsection (1)(a) of this section does not apply to a person operating:

- (i) An authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
- (ii) A moving motor vehicle using a wireless communications device in hands-free mode;
- (iii) A moving motor vehicle using a handheld wireless communications device to:

- (A) Report illegal activity;
- (B) Summon medical or other emergency help;
- (C) Prevent injury to a person or property; or

(D) Relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle; or

- (iv) A moving motor vehicle while using a hearing aid.

(b) Subsection (1)(b) of this section does not apply to a person operating a commercial motor vehicle:

- (i) When necessary to communicate with law enforcement officials or other emergency services; or
- (ii) Using a mobile telephone in hands-free mode.

(3)(a) Subsection (1)(a) of this section does not restrict the operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.

(b) Subsection (1)(b) of this section does not restrict the operation of two-way or citizens band radio services.

(4) For purposes of this section, "hands-free mode" means the use of a wireless communications device with a speaker phone, headset, or earpiece.”



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Wisconsin

(3)

(a) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while composing or sending an electronic text message or an electronic mail message.

(b) This subsection does not apply to any of the following:

1. The operator of an authorized emergency vehicle.

2. The use of any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.

3. An amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission when he or she is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.

4. The use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

(Wis. Stat. Ann. § 346.89(3)(b) (2016).)



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West Virginia

(3) “Electronic communication device” means a cell telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, 2-way messaging device, electronic game, or portable computing device. *For the purposes of this section, an “electronic communication device” does not include:*

(A) Voice radios, mobile radios, land mobile radios, commercial mobile radios or two way radios with the capability to transmit and receive voice transmissions utilizing a push-to-talk or press-to-transmit function; or

(B) Other voice radios used by a law-enforcement officer, an emergency services provider, an employee or agent of public safety organizations, first responders, Amateur Radio Operators (HAM) licensed by the Federal Communications Commission and school bus operators.

(4) “Engaging in a call” means when a person talks into or listens on an electronic communication device, but shall not include when a person dials or enters a phone number on a pushpad or screen to initiate the call.