

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

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SECRETARY OF STATE

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated .

“The Safer Road Arizona Act” amends A.R.S. to prohibit the use of cellular telephones without a hands-free device while operating a motor vehicle on Arizona’s roadways and highways to engage in a call. Persons found violating this act will be subject to a civil penalty from \$100 - \$200 plus court fees. Exempt are police officers, fire fighters and operators of other authorized emergency vehicles while in performance of their official duties.

Bonita Burks
Signature of Applicant

Bonita Burks
Printed Name of Applicant

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City State Zip

480-430-7811
Telephone Number

The Safer Road Arizona Act YES ON I-05-2008
Name of Organization (if any)

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Bonita Burks - Chairperson
Name of Officer and Title

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Lindy Miczek
Name of Officer and Title

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Date of Application	<u>March 20, 2008</u>
Signatures Required	<u>153, 305</u>
Deadline for Filing	<u>July 3, 2008</u>
Serial Number Issued	<u>I-05-2008</u>
FOR OFFICE USE ONLY	

OFFICIAL TITLE

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AN INITIATIVE MEASURE

AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 21; RELATING TO THE USE OF CELLULAR TELEPHONES WHILE DRIVING.

Sec. 1. Title

This act may be cited as "The Safer Road Arizona Act"

Sec. 2. Purpose and Intent

The purpose is to require all drivers to use a hands-free device that will allow a driver to have both hands on the steering wheel while the motor vehicle is in motion; subsequently making our roads safer to protect Arizona's drivers, passengers, and pedestrians.

28-1191. Definitions

In this article, unless the context otherwise requires:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the federal communications commission to operate in the frequency bandwidth reserved for cellular radiophones.
2. "Engage in a call":
 - a) Means talking into or listening on a handheld cellular telephone.
 - b) Does not include holding a cellular telephone to activate, deactivate or initiate a function of the cellular telephone.
3. "Handheld cellular telephone" means a cellular telephone with which a user engages in a call using at least one hand.
4. "Hands-free device" means an attachment, add-on or addition to a cellular telephone, whether or not permanently installed in a motor vehicle, that when used allows the motor vehicle operator to maintain both hands on the steering wheel.

5. "Immediate proximity" means the distance that permits the user of a cellular telephone to hear telecommunications transmitted over the cellular telephone but that does not require physical contact with the user's ear.

6. "Using" means:

- a) Holding a cellular telephone to, or in the immediate proximity of, the user's ear.
- b) Pressing the buttons on a cellular telephone to use any of the functions of the cellular telephone.

28-1192. Use of cellular telephones while driving; prohibition; exceptions

A. A person shall not operate a motor vehicle on a roadway or highway while using a cellular telephone to engage in a call while the motor vehicle is in motion unless the cellular telephone is equipped with a hands-free device.

B. An operator of a motor vehicle who holds a cellular telephone to, or in the immediate proximity of, the operator's ear while the motor vehicle is in motion is presumed to be engaging in a call. This presumption is rebuttable by evidence tending to show that the operator was not engaging in a call.

C. This section does not apply to any of the following:

1. Law enforcement and safety personnel.
2. Drivers of authorized emergency vehicles.

6. A person who believes the person is in physical danger if the person is the only adult in the motor vehicle.

7. The use of a cellular telephone for the sole purpose of communicating with any of the following regarding an emergency situation:

- a) An emergency response operator.
- b) A hospital, physician's office or health clinic.
- c) A provider of ambulance services.
- d) A provider of fire fighting services.
- e) A law enforcement agency.

8. A person who is operating an amateur radio and who holds a revoked and unexpired amateur radio station license issued by the federal communications commission.

28-1193. Nonmoving violation; civil penalties; accident reports

A. A violation of this article is a nonmoving civil traffic violation.

B. If a person violates this article and the person is not involved in a motor vehicle accident, the person is subject to a civil penalty of one hundred dollars.

C. If a person violates this article and the person is involved in a motor vehicle accident, the person is subject to a civil penalty of two hundred dollars.

D. If a person is cited for violating this article, the person is involved in a motor vehicle accident and a written accident report is required pursuant to article 4 of this chapter, the law enforcement officer investigating the accident shall indicate on the written accident form the use of a cellular telephone at the time of the accident.

Sec. 3. Warning period

For the purpose of informing and educating persons who operate motor vehicles, beginning on January 1, 2009 through January 31, 2009, any law enforcement officer authorized to issue traffic complaints may stop motor vehicles and issue verbal warnings to persons who would be violating section 28-1192, Arizona Revised Statutes, as added by this act, if it was effective on the day the warning is issued.

Sec. 4. Effective date

Title 28, chapter 3, article 21, Arizona Revised Statutes, as added by this act, is effective from and after January 31, 2009.