

# SINEWAVES

STONEWALL JACKSON AMATEUR RADIO ASSOCIATION  
PO Box 752 Clarksburg, WV 26302-0752

[WWW.SJARA.ORG](http://WWW.SJARA.ORG)

February 24, 2008

**Monthly Meeting at Saint Mark's Lutheran Church, located at the intersection of US 19 and SR 98**  
**Next meeting will be** Month day, year

Stonewall Jackson Amateur Radio Association		Tuesday Night Net
N8FMD Repeater 147.210 Mhz with P/L tone of 103.5 hz		
Net Control Operator	Date	Call Sign
Bill Williams	February 26 <sup>th</sup>	K8WWW
Dave Morris	March 4 <sup>th</sup>	WD8NSC
Dick Wilt	March 11 <sup>th</sup>	K8TPH
Tom Bell	March 18 <sup>th</sup>	KB8WRZ

## CELL PHONE BILL

H.R. 4047  
COMMITTEE SUBSTITUTE  
FOR  
H. B. 4047  
(By Delegates Guthrie, Hatfield, Shook, Miley and  
Webster)  
(Originating in the Committee on the Judiciary)  
[February 19, 2008]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-15, relating to establishing the offense of unlawful use of a wireless communication device while operating a motor vehicle on a street or highway; providing exceptions and conditions for certain lawful uses; definitions; penalties; and, limitation of enforcement.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §17C-14-15, to read as follows:

## CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

### ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-15. Unlawful use of wireless communication devices while operating a motor vehicle; exceptions; penalty.

(a) Except as provided in subsection (b) of this section, a driver shall not use a wireless communication device while operating a motor vehicle on a street or highway.

(b) The provisions of this section do not apply to a driver who uses a wireless communication device when:

(1) The driver immediately fears for his, her, or another person's life or safety, or the driver believes that he, she, or another person is, or is about to become, the victim of a criminal act;

(2) The driver uses the wireless communication device to contact law enforcement authorities, emergency personnel, or both, to report a criminal activity, a fire, a traffic accident, a serious road hazard, a medical emergency, a hazardous materials

emergency, or other condition which threatens bodily injury, public health, welfare or safety;

(3) The wireless communication device is a hands-free wireless communication device, as defined in subsection (c)(1);

(4) The motor vehicle is lawfully parked or safely stopped on the berm or shoulder of a street or highway;

(5) The driver is operating an authorized emergency vehicle as a law enforcement officer or an emergency services provider employed by, or as an agent of, the United States, this state, or any county, city, town, district or political subdivision thereof;

(6) The motor vehicle is registered to the United States, this state, or any county, city, town, district or political subdivision thereof; or,

(7) The vehicle is stopped as a result of an obstruction or impediment in the road ahead.

(c) As used in this section:

(1) "Hands-free wireless communication device" means a wireless communication device equipped with an internal feature or function, or an attachment or addition, whether or not permanently part of the device, by which a user engages in a conversation, sends or receives a message, interchanges information, or otherwise communicates without the use of either hand: Provided, That this definition does not preclude the use of either hand to activate, deactivate or initiate a function of the device;

(2) "Use a wireless communication device" means to verbally or visually converse, message, or otherwise interchange information with another person, including utilization of the internet on a wireless communication device, whether by audio or video communication, telephone, text messaging, or any other form of electronic communication; and,

(3) "Wireless communication device" means a cellular, analog, wireless or digital device, computer or telephone, capable of accessing, sending or receiving wireless electronic messages, conversation or other interchange of information, including, but not limited to, a wireless telephone service, a wireless internet service or a wireless text messaging service,

but does not include 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 other voice radios used by a law enforcement officer, an emergency services provider, an employee or agent of public safety organizations, first responders, school bus operators, taxi cab drivers or mobile commercial enterprises.

(d) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than twenty-five dollars. No court costs or other fees shall be assessed for a violation of this section.

(e) Enforcement of this section shall be accomplished only as a secondary action when a driver has been detained for probable cause of violating another section of this code or a municipal ordinance.

(f) Notwithstanding any other provision of this code to the contrary, no points may be entered on any driver's record maintained by the division of motor vehicles as a result of a violation of this section.

## **FEBRUARY MEETING**

The February 21, 2008 meeting was called to order by the club President N8YPE, Dave Anderson who then ask for a motion that the minutes from the January meeting be accepted as stated in the last newsletter. Motion carried. Next Dave ask for the Treasurers Report which was read by the club Treasure K8TPH, Dick Wilt. A motion was made and approved to accept the report.

Under old Business, in order to improve public relations Dave Anderson is going to write an article for the newsletter.

VE Testing by the club was brought up and a list of members who are VE qualified was taken. Ray Shaw, W9AFC next gave a report on the county commisionto purchase amateur radio equipment for the 911 Center.

A motion to adjourn was requested, made and passed so K8TPH could make a demonstration on packet radio.

### **C.E.R.T. TRAINING**

Citizens Emergency Response Team Training (CERT) is to be held on March 29 & April 5, 2008 at Our Lady of Perpetual Help Church in Stonewood, WV. The size of the class is limited to 25 students so early notification is recommended.

To reserve a seat or for more information contact Ray Shaw at 304-848-0264 or email at [TShawAFC@AFlameforChrist.org](mailto:TShawAFC@AFlameforChrist.org).

### **NEXT MEETING**

The next club meeting will be March 20<sup>th</sup>. Check the club website and check into the net on Tuesday nights.

