

By: Jolley of the Senate  
and  
Nance of the House

[ motor vehicles - cellular telephones - prohibiting  
use by certain persons - codification -  
effective date ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 11-1117 of Title 47, unless  
there is created a duplication in numbering, reads as follows:

As used in this act:

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 means talking into or listening on a  
handheld cellular telephone, but 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; and

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.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1117.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. A person under eighteen (18) years of age who only has been issued a learner permit pursuant to the provisions of Section 6-105 et seq. of Title 47 of the Oklahoma Statutes shall not operate a motor vehicle on a street or highway while using a cellular telephone while the motor vehicle is in motion unless the person is operating the cellular telephone through use of 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.

C. This section shall not apply to any of the following actions by the operator who:

1. Is reporting reckless or negligent behavior;
2. Believe they are in physical danger; or
3. Is using 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, or
  - e. a law enforcement agency.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1117.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

B. Fine and court costs for violating the provisions of this section shall not exceed One Hundred Dollars (\$100.00).

C. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of those ordinances shall be the same as provided for in this section, and the enforcement provisions under those ordinances shall not be more stringent than those of this section.

D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing this act.

SECTION 4. This act shall become effective November 1, 2006.

Passed the Senate the 9th day of March, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2006.

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Presiding Officer of the House  
of Representatives