

3 Senate Bill No. 1629
4 As Amended

5 SENATE BILL NO. 1629 - By: JOHNSON (Constance) of the Senate and
6 McCARTER of the House.

7 [motor vehicles - cellular telephones - codification -
8 effective date]

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

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

13 As used in this act:

14 1. "Cellular telephone" means an analog or digital wireless
15 telephone authorized by the federal communications commission to
16 operate in the frequency bandwidth reserved for cellular
17 radiophones;

18 2. "Engage in a call" means talking into or listening on a
19 handheld cellular telephone, but does not include holding a cellular
20 telephone to activate, deactivate or initiate a function of the
21 cellular telephone.

22 3. "Handheld cellular telephone" means a cellular telephone
23 with which a user engages in a call using at least one hand;

1 4. "Hands-free device" means an attachment, add-on or addition
2 to a cellular telephone, whether or not permanently installed in a
3 motor vehicle, that when used allows the motor vehicle operator to
4 maintain both hands on the steering wheel;

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

9 6. "Using" means:

10 a. holding a cellular telephone to, or in the immediate
11 proximity of, the user's ear, or

12 b. pressing the buttons on a cellular telephone to use
13 any of the functions of the cellular telephone.

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

17 A. A person shall not operate a motor vehicle on a street or
18 highway while using a cellular telephone while the motor vehicle is
19 in motion unless the person is engaging in a call and the cellular
20 telephone is equipped with a hands-free device.

21 B. An operator of a motor vehicle who holds a cellular
22 telephone to, or in the immediate proximity of, the operator's ear

1 while the motor vehicle is in motion is presumed to be engaging in a
2 call.

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

4 1. Law enforcement and safety personnel;

5 2. Drivers of authorized emergency vehicles;

6 3. Holders of commercial driver license while driving within
7 the scope of their employment;

8 4. Public transit personnel;

9 5. A person who is reporting reckless or negligent behavior;

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

12 7. **Reporting time and location to parent, guardian or spouse;**

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

16 a. an emergency response operator,

17 b. a hospital, physician's office or health clinic,

18 c. a provider of ambulance services,

19 d. a provider of fire fighting services, or

20 e. a law enforcement agency; or

21 9. A person who is operating an amateur radio and who holds a
22 current, valid amateur radio station license issued by the Federal
23 Communications Commission.

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

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

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

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
17 SECURITY, dated 2-13-06 - DO PASS, As Amended and Coauthored.