

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1629

By: Johnson (Constance)

AS INTRODUCED

An Act relating to motor vehicles; prohibiting use of cellular telephones by operators of motor vehicles; providing definitions; defining persons prohibited from using certain types of cellular telephones; providing exceptions; prescribing penalties; authorizing municipalities to enact certain ordinances; providing for codification; and providing an 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, or
- 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 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 engaging in a call and 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.

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

1. Law enforcement and safety personnel;
2. Drivers of authorized emergency vehicles;
3. Holders of commercial driver license while driving within the scope of their employment;
4. Public transit personnel;
5. A person who is reporting reckless or negligent behavior;
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, or
- e. a law enforcement agency; or

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

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.

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

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