

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2597

By: Wesselhoft

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; enacting the  
8 Brittanie Montgomery and Jeff Smith Cell Phone Act;  
9 amending Section 3, Chapter 108, O.S.L. 2003 (47 O.S.  
10 Supp. 2007, Section 11-901b), which relates to  
11 distracted driving; providing penalty under certain  
12 circumstances; defining terms; prohibiting certain  
13 acts while driving; providing penalties; providing  
14 for codification; providing for noncodification; and  
15 providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law not to be  
18 codified in the Oklahoma Statutes reads as follows:

19 This act shall be known and may be cited as the "Brittanie  
20 Montgomery and Jeff Smith Cell Phone Act".

21 SECTION 2. AMENDATORY Section 3, Chapter 108, O.S.L.  
22 2003 (47 O.S. Supp. 2007, Section 11-901b), is amended to read as  
23 follows:

24 Section 11-901b. A. The operator of every vehicle, while  
25 driving, shall devote their full time and attention to such driving.

1 No law enforcement officer shall issue a citation under this  
2 ~~section~~ subsection unless the operator of the vehicle is involved in  
3 an accident. If the cause of the accident can be attributed  
4 directly to the use of a cellular telephone or electronic  
5 communication device by the operator of the motor vehicle, the  
6 person shall, upon conviction, be guilty of a misdemeanor and shall  
7 be punished by imprisonment in the county jail for a period not  
8 exceeding twenty (20) days, or by a fine of not less than Five  
9 Hundred Dollars (\$500.00) nor more than One Thousand Dollars  
10 (\$1,000.00), or by both such fine and imprisonment.

11 B. Any person who violates this section, whose actions cause  
12 great bodily injury to a person, shall, in addition to any other  
13 penalty provided by law, be guilty of a misdemeanor, punishable by  
14 both imprisonment in the county jail for not less than twenty (20)  
15 days nor more than one (1) year, and a fine of not less than One  
16 Thousand Dollars (\$1,000.00) nor more than Two Thousand Five Hundred  
17 Dollars (\$2,500.00).

18 C. As used in subsection A of this section:

19 1. "Cellular telephone" means an analog or digital wireless  
20 telephone authorized by the Federal Communications Commission to  
21 operate in the frequency bandwidth reserved for cellular telephones;

22 2. "Electronic communication device" means an electronic device  
23 that permits the user to transmit a communication of written text by  
24 means other than through an oral transfer or wire communication.

1 The term does not include a voice-activated global positioning or  
2 navigation system that is permanently affixed to a motor vehicle;  
3 and

4 3. "Great bodily injury" means bone fracture, protracted and  
5 obvious disfigurement, protracted loss or impairment of the function  
6 of a body part, organ or mental faculty, or substantial risk of  
7 death.

8 SECTION 3. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 11-901c of Title 47, unless  
10 there is created a duplication in numbering, reads as follows:

11 No person licensed to operate a vehicle under a learner permit  
12 may use a cellular telephone or electronic communication device  
13 while operating a vehicle in this state. The person shall, upon  
14 conviction, be guilty of a misdemeanor and shall be punished by a  
15 fine of Five Hundred Dollars (\$500.00).

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 11-901d of Title 47, unless  
18 there is created a duplication in numbering, reads as follows:

19 No public school bus driver, except in a verified emergency, may  
20 use a cellular telephone or electronic communication device while  
21 operating a vehicle in this state. The person shall, upon  
22 conviction, be guilty of a misdemeanor and shall be punished by  
23 imprisonment in the county jail for a period not exceeding twenty  
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1 (20) days, or by a fine of One Thousand Dollars (\$1,000.00), or by  
2 both such fine and imprisonment.

3 SECTION 5. This act shall become effective November 1, 2008.  
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