

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1782

By: Tibbs

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7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; prohibiting use of certain devices by
9 operators of motor vehicles; providing presumption under certain circumstances;
10 providing exceptions; prescribing penalties; authorizing municipalities to enact
11 certain ordinances; providing definitions; providing for codification; and
12 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
15 Section 11-901c of Title 47, unless there is created a duplication in numbering, reads as follows:

16 A. A person shall not operate a motor vehicle on a street or highway while using a cellular
17 telephone or electronic communication device to converse with another person, write, send, or read a
18 text-based communication while the motor vehicle is in motion unless the person is engaging in a call
19 on a cellular telephone that is equipped with a hands-free device.

20 B. An operator of a motor vehicle who holds a cellular telephone to, or in the immediate
21 proximity of, the ear of the operator while the motor vehicle is in motion is presumed to be engaging in
22 a call.

23 C. Subsection A of this section shall not apply to any of the following:
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- 1 1. Law enforcement and safety personnel;
- 2 2. Drivers of authorized emergency vehicles;
- 3 3. Holders of commercial driver licenses while driving within the scope of their employment;
- 4 4. Public transit personnel;
- 5 5. A person who is reporting criminal, reckless, or negligent behavior;
- 6 6. A person who believes himself or herself to be in physical danger if that person is the only
- 7 adult in the motor vehicle;

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

- 10 a. an emergency response operator,
- 11 b. a hospital, physician's office or health clinic,
- 12 c. a provider of ambulance services,
- 13 d. a provider of firefighting services, or
- 14 e. a law enforcement agency; or

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

17 D. Any person who violates the provisions of subsection A of this section shall, upon
18 conviction, be punished by a fine and court costs that shall not exceed Two Hundred Dollars
19 (\$200.00).

20 E. Municipalities may enact and municipal police officers may enforce ordinances prohibiting
21 and penalizing conduct under the provisions of this section, but the provisions of those ordinances shall
22 be the same as provided for in this section, the enforcement provisions of those ordinances shall not be
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1 more stringent than those of this section, and the fine and court costs for municipal ordinance
2 violations shall be the same or a lesser amount as provided for in this section.

3 F. As used in this section:

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

6 2. "Electronic communication device" means an electronic device that permits the user to
7 manually transmit a communication of written text by means other than through an oral transfer or
8 wire communication. This term does not include a voice-activated global positioning or navigation
9 system that is permanently affixed to a motor vehicle;

10 3. "Engaging in a call" means talking into or listening on a handheld cellular telephone, but does
11 not include holding a cellular telephone to activate, deactivate, or initiate a function of the cellular
12 telephone;

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

16 5. "Immediate proximity" means the distance that permits the user of a cellular telephone to hear
17 telecommunications transmitted over the cellular telephone but that does not require physical contact
18 with the ear of the user; and

19 6. "Using a cellular telephone" means:

20 a. holding a cellular telephone to, or in the immediate proximity of, the ear of the
21 user, or

22 b. pressing the buttons on a cellular telephone to use any of the functions of the
23 cellular telephone.
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1 SECTION 2. This act shall become effective November 1, 2009.

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