

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

Committee Substitute for
House Bill No. 1782

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1782 - By: TIBBS of the House.

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

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

- 1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 11-901c of Title 47, unless there is created a duplication in
3 numbering, reads as follows:
- 4 A. A person shall not operate a motor vehicle on a street or highway while using a
5 cellular telephone or electronic communication device to converse with another person,
6 write, send, or read a text-based communication while the motor vehicle is in motion
7 unless the person is engaging in a call on a cellular telephone that is equipped with a
8 hands-free device.
- 9 B. An operator of a motor vehicle who holds a cellular telephone to, or in the
10 immediate proximity of, the ear of the operator while the motor vehicle is in motion is
11 presumed to be engaging in a call.

1 C. Subsection A of this section shall not apply to any of the following:

2 1. Law enforcement and safety personnel;

3 2. Drivers of authorized emergency vehicles;

4 3. Holders of commercial driver licenses while driving within the scope of their

5 employment;

6 4. Public transit personnel;

7 5. A person who is reporting criminal, reckless, or negligent behavior;

8 6. A person who believes himself or herself to be in physical danger if that person is

9 the only adult in the motor vehicle;

10 7. The use of a cellular telephone for the sole purpose of communicating with any of

11 the following regarding an emergency situation:

12 a. an emergency response operator,

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

14 c. a provider of ambulance services,

15 d. a provider of firefighting services, or

16 e. a law enforcement agency; or

17 8. A person who is operating an amateur radio and who holds a current, valid

18 amateur radio station license issued by the Federal Communications Commission.

19 D. Any person who violates the provisions of subsection A of this section shall, upon

20 conviction, be punished by a fine and court costs that shall not exceed Two Hundred

21 Dollars (\$200.00).

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

7 F. As used in this section:

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

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

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

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

1 5. “Immediate proximity” means the distance that permits the user of a cellular
2 telephone to hear telecommunications transmitted over the cellular telephone but that
3 does not require physical contact with the ear of the user; and

4 6. “Using a cellular telephone” means:

5 a. holding a cellular telephone to, or in the immediate proximity of, the
6 ear of the user, or

7 b. pressing the buttons on a cellular telephone to use any of the functions
8 of the cellular telephone.

9 SECTION 2. This act shall become effective November 1, 2009.

10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-19-09 - DO
11 PASS, As Amended.