

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3250

By: Tibbs and Morgan

4
5
6 AS INTRODUCED

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

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

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

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

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

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

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

5 1. Law enforcement and safety personnel;

6 2. Drivers of authorized emergency vehicles;

7 3. Holders of commercial driver licenses while driving within
8 the scope of their employment;

9 4. Public transit personnel;

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

12 6. A person who believes himself or herself to be in physical
13 danger if that person is the only adult in the motor vehicle;

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

17 a. an emergency response operator,

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

19 c. a provider of ambulance services,

20 d. a provider of firefighting services, or

21 e. a law enforcement agency; or

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

1 D. Any person who violates the provisions of subsection A of
2 this section shall, upon conviction, be punished by a fine and court
3 costs that shall not exceed One Thousand Dollars (\$1,000.00).

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

12 F. As used in this section:

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

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

22 3. "Engaging in a call" means talking into or listening on a
23 handheld cellular telephone, but does not include holding a cellular
24

1 telephone to activate, deactivate, or initiate a function of the
2 cellular telephone;

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

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

11 6. "Using a cellular telephone" means:

12 a. holding a cellular telephone to, or in the immediate
13 proximity of, the ear of the user, or

14 b. pressing the buttons on a cellular telephone to use
15 any of the functions of the cellular telephone that is
16 not associated with the use of a hands-free device.

17 SECTION 2. This act shall become effective November 1, 2010.

18

19 52-2-9535 GRS 01/13/10

20

21

22

23

24