

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1162

By: Easley

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; limiting use of
8 wireless telecommunication device; defining terms;
9 allowing for exemptions; establishing penalties;
10 providing for codification; and providing an
11 effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 15-102.1a of Title 47, unless
15 there is created a duplication in numbering, reads as follows:

16 A. No person shall operate a motor vehicle on any public road
17 or highway of this state while using any wireless telecommunications
18 device to engage in a call, unless the wireless telecommunications
19 device is a hands-free wireless telephone.

20 B. For the purposes of this section:

21 1. "Engage in a call" means talking or listening on a wireless
22 telecommunications device; and

23 2. "Hands-free wireless telephone" means a wireless
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1 telecommunications device that has an internal feature or function,
2 or that is equipped with an attachment or addition, whether or not
3 permanently part of such telephone, by which a user engages in a
4 conversation without the use of either hand, provided, however, this
5 definition shall not preclude the use of either hand to activate,
6 deactivate, or initiate a function of the telephone.

7 C. Any violation of this section shall constitute a moving
8 violation. A law enforcement officer shall enforce the provisions of
9 this section only as a secondary action when the officer detains a
10 driver for an alleged violation of another provision of this
11 section.

12 D. The provisions of this section shall not apply to a person
13 who uses a wireless telecommunications device to do any of the
14 following:

15 1. Report a traffic crash, medical emergency, or serious road
16 hazard;

17 2. Report a situation in which the person believes his or her
18 personal safety is in jeopardy;

19 3. Report or avert the perpetration or potential perpetration
20 of a criminal act against the driver or another person; or

21 4. Engage in a call while the motor vehicle is lawfully parked.

22 E. 1. A first violation of the provisions of this section
23 shall be punishable by a fine of not more than One Hundred Seventy-
24 five Dollars (\$175.00).

1 2. Each subsequent violation shall be punishable by a fine of
2 not more than Five Hundred Dollars (\$500.00).

3 3. If the person is involved in a crash at the time of
4 violation, then the fine shall be equal to double the amount of the
5 standard fine imposed in this subsection and the law enforcement
6 officer investigating the crash shall indicate on the written
7 accident form that the person was using a wireless
8 telecommunications device at the time of the crash.

9 F. No person shall operate a motor vehicle upon a public road
10 or highway of this state while using a wireless telecommunications
11 device to write, send, or read a text-based communication. A person
12 shall not be deemed to be writing, reading, or sending a text
13 message if the person reads, selects, or enters a telephone number
14 or name in a wireless telecommunications device for the purpose of
15 making a telephone call.

16 G. For purposes of this section:

17 1. "Wireless telecommunications device" means a cellular
18 telephone, a text-messaging device, a personal digital assistant, a
19 stand alone computer, or any other substantially similar wireless
20 device that is readily removable from the vehicle and is used to
21 write, send, or read text or data through manual input. A wireless
22 telecommunications device shall not include any device or component
23 that is permanently affixed to a motor vehicle. It does not include
24 citizens band radios, citizens band radio hybrids, commercial two-

1 way radio communication devices, or electronic communication devices
2 with a push-to-talk function; and

3 2. "Write, send, or read a text-based communication" means
4 using a wireless telecommunications device to manually communicate
5 with any person by using a text-based communication referred to as a
6 text message, instant message, or electronic mail.

7 H. The provisions of this section shall not apply to the
8 following:

9 1. Any law enforcement officer, firefighter, or operator of an
10 authorized emergency vehicle while engaged in the actual performance
11 of his official duties;

12 2. An operator of a moving motor vehicle using a wireless
13 telecommunications device to:

- 14 a. report illegal activity,
- 15 b. summon medical or other emergency help,
- 16 c. prevent injury to a person or property,
- 17 d. relay information between a transit or for-hire
18 operator and that operator's dispatcher, in which the
19 device is permanently affixed to the vehicle,
- 20 e. navigate using a global positioning system; or

21 3. A physician or other health care provider using a wireless
22 telecommunications device to communicate with a hospital, health
23 clinic or the office of the physician, or to otherwise provide for
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1 the health care of an individual or medical emergency through a text-
2 based communication.

3 I. 1. The first violation of the provisions of this section
4 shall be punishable by a fine of not more than One Hundred Seventy-
5 five Dollars (\$175.00).

6 2. Each subsequent violation shall be punishable by a fine of
7 not more than Five Hundred Dollars (\$500.00).

8 3. If the person is involved in a crash at the time of
9 violation, then the fine shall be equal to double the amount of the
10 standard fine imposed in this subsection and the law enforcement
11 officer investigating the crash shall indicate on the written
12 accident form that the person was using a wireless
13 telecommunications device at the time of the crash.

14 4. Any violation of this section shall constitute a moving
15 violation. A law enforcement officer shall enforce the provisions
16 of this section only as a secondary action when the officer detains
17 a driver for an alleged violation of another provision of this
18 section.

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

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21 52-1-32 MRB 3/6/2009 2:02:49 AM

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