

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1355

By: Paddack

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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, eighteen (18) years of age or younger, shall  
17 operate a motor vehicle upon a public road or highway of this state  
18 while using a wireless telecommunications device to write, send, or  
19 read a text-based communication. A person shall not be deemed to be  
20 writing, reading, or sending a text message if the person reads,  
21 selects, or enters a telephone number or name in a wireless  
22 telecommunications device for the purpose of making a telephone  
23 call.

24 B. For purposes of this section:

1           1. "Wireless telecommunications device" means a cellular  
2 telephone, a text-messaging device, a personal digital assistant, a  
3 stand-alone computer, or any other substantially similar wireless  
4 device that is readily removable from the vehicle and is used to  
5 write, send, or read text or data through manual input. A wireless  
6 telecommunications device shall not include any device or component  
7 that is permanently affixed to a motor vehicle. It does not include  
8 citizens band radios, citizens band radio hybrids, commercial two-  
9 way radio communication devices, or electronic communication devices  
10 with a push-to-talk function; and

11           2. "Write, send, or read a text-based communication" means  
12 using a wireless telecommunications device to manually communicate  
13 with any person by using a text-based communication referred to as a  
14 text message, instant message, or electronic mail.

15           C. The provisions of this section shall not apply to the  
16 following:

17           1. Any law enforcement officer, firefighter, or operator of an  
18 authorized emergency vehicle while engaged in the actual performance  
19 of his or her official duties;

20           2. An operator of a moving motor vehicle using a wireless  
21 telecommunications device to:

- 22           a. report illegal activity,
- 23           b. summon medical or other emergency help,
- 24           c. prevent injury to a person or property,

- 1           d.    relay information between a transit or for-hire  
2                   operator and that operator's dispatcher, in which the  
3                   device is permanently affixed to the vehicle, or  
4           e.    navigate using a global positioning system; or

5           3.    A physician or other health-care provider using a wireless  
6 telecommunications device to communicate with a hospital, health  
7 clinic or the office of the physician, or to otherwise provide for  
8 the health care of an individual or medical emergency through a  
9 text-based communication.

10          D.   1.   The first violation of the provisions of this section  
11 shall be punishable by a fine of not more than One Hundred Dollars  
12 (\$100.00).

13          2.    Each subsequent violation shall be punishable by a fine of  
14 not more than Two Hundred Fifty Dollars (\$250.00).

15          3.    If the person is involved in a crash at the time of  
16 violation, then the fine shall be equal to double the amount of the  
17 standard fine imposed in this subsection, and the law enforcement  
18 officer investigating the crash shall indicate on the written  
19 accident form that the person was using a wireless  
20 telecommunications device at the time of the crash.

21          4.    Any violation of this section shall constitute a moving  
22 violation. A law enforcement officer shall enforce the provisions  
23 of this section only as a secondary action when the officer detains  
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1 a driver for an alleged violation of another provision of this  
2 section.

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

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