

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1386

By: Garrison

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

23 B. For purposes of this section:
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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 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 Seventy-
12 five Dollars (\$175.00).

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

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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