

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1906

By: Johnson (Constance)

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending Section
8 3, Chapter 108, O.S.L. 2003 (47 O.S. Supp. 2009,
9 Section 11-901b), which relates to attentive driving;
10 making language gender neutral; deleting prohibition
11 against issuance of citation except under certain
12 conditions; prohibiting operation of a motor vehicle
13 while using portable electronic device while vehicle
14 in motion; defining terms; specifying circumstances
15 in which prohibition not applicable; providing for
16 certain rebuttable presumption; providing penalty;
17 limiting circumstances in which summons may be
18 issued; and providing an effective date.

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

20 SECTION 1. AMENDATORY Section 3, Chapter 108, O.S.L.
21 2003 (47 O.S. Supp. 2009, Section 11-901b), is amended to read as
22 follows:

23 Section 11-901b. A. The operator of every vehicle, while
24 driving, shall devote ~~their~~ his or her full time and attention to
such driving.

~~No law enforcement officer shall issue a citation under this
section unless the operator of the vehicle is involved in an
accident.~~

1 B. 1. Except as otherwise provided in this section, no person
2 shall operate a motor vehicle while using any portable electronic
3 device while such vehicle is in motion.

4 2. For the purposes of this subsection, the following terms
5 shall have the following meanings:

6 a. "portable electronic device" shall mean any hand-held
7 mobile telephone, personal digital assistant (PDA),
8 handheld device with mobile data access, laptop
9 computer, pager, broadband personal communication
10 device, two-way messaging device, electronic game, or
11 portable computing device, and

12 b. "using" shall mean holding a portable electronic
13 device while viewing, taking or transmitting images,
14 playing games, or composing, sending, reading,
15 viewing, accessing, browsing, transmitting, saving or
16 retrieving e-mail, text messages, or other electronic
17 data, but shall not include turning such a device on
18 or off.

19 3. Paragraph 1 of this subsection shall not apply to:

20 a. the use of a portable electronic device for the sole
21 purpose of communicating with any of the following
22 regarding an emergency situation:

23 (1) an emergency response operator,

24 (2) a hospital,

- 1 (3) a physician's office or health clinic,
- 2 (4) an ambulance company,
- 3 (5) a fire department, district or company, or
- 4 (6) a police department,

5 b. any of the following persons while in the performance
6 of their official duties:

- 7 (1) a police officer or peace officer,
- 8 (2) a member of a fire department, district or
9 company, or
- 10 (3) the operator of an authorized emergency vehicle.

11 4. A person who holds a portable electronic device in a
12 conspicuous manner while operating a motor vehicle is presumed to be
13 using such device. The presumption established by this paragraph is
14 rebuttable by evidence showing that the operator was not using the
15 device within the meaning of this section.

16 5. The provisions of this section shall not be construed as
17 authorizing the seizure or forfeiture of a portable electronic
18 device, unless otherwise provided by law.

19 6. A violation of this section shall be a traffic infraction
20 and shall be punishable by a fine of not more than One Hundred Fifty
21 Dollars (\$150.00).

22 Provided, however, that a summons for operating a motor vehicle
23 in violation of this subsection shall only be issued when there is
24 reasonable cause to believe that the person operating such motor

1 vehicle has committed a violation of the laws of this state other
2 than a violation of this section.

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

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