

1 STATE OF OKLAHOMA

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

3 SENATE BILL 998

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6 AS INTRODUCED

7 An Act relating to motor vehicles; restricting use of
8 personal communication device; defining term;
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 personal communication device
18 to talk, place or receive a call, or send or read a text-based
19 message.

20 B. For the purpose of this section, "personal communication
21 device" means a cellular, analog, wireless, mobile or digital
22 telephone capable of sending or receiving telephone calls or text-
23 based messages without an access line for service.

1 C. The provisions of this section shall not apply to the
2 following:

3 1. Any law enforcement officer, firefighter, or operator of an
4 authorized emergency vehicle while engaged in the actual performance
5 of official duties;

6 2. An operator of a moving motor vehicle using a wireless
7 telecommunications device to:

8 a. report illegal activity,

9 b. summon medical or other emergency help,

10 c. prevent injury to a person or property,

11 d. relay information between a transit or for-hire

12 operator and that operator's dispatcher, in which the

13 device is permanently affixed to the vehicle,

14 e. navigate using a global positioning system; or

15 3. A physician or other health care provider using a wireless
16 telecommunications device to communicate with a hospital, health
17 clinic or the office of the physician, or to otherwise provide for
18 the health care of an individual or medical emergency through a
19 text-based communication.

20 D. 1. The first violation of the provisions of this section
21 shall be punishable by a fine of not more than One Hundred Dollars
22 (\$100.00).

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

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

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

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8 52-1-154 MRB 3/6/2009 8:07:56 AM

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