

1 **SENATE FLOOR VERSION**

2 February 28, 2011

3 SENATE BILL NO. 146

By: Ellis, Garrison and Johnson
(Constance) of the Senate

4 and

5 Morgan of the House

6
7
8 An Act relating to motor vehicles; limiting use of
9 wireless telecommunication device; defining terms;
10 allowing for exemptions; establishing penalties;
11 providing for codification; and providing an
12 effective date.

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

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

17 A. No person shall operate a motor vehicle upon a public road
18 or highway of this state while using a wireless telecommunication
19 device to write, send, or read a text-based communication. A person
20 shall not be deemed to be writing, reading, or sending a text
21 message if the person reads, selects, or enters a telephone number
22 or name in a wireless telecommunication device for the purpose of
23 making a telephone call.
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1 B. For purposes of this section:

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

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

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

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

21 2. An operator of a moving motor vehicle using a wireless
22 telecommunication device to:

- 23 a. report illegal activity,
- 24 b. summon medical or other emergency help,

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

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

11 D. 1. The first violation of the provisions of this section
12 shall be punishable by a fine of not more than One Hundred Seventy-
13 five Dollars (\$175.00).

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

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

22 4. Any violation of this section shall constitute a moving
23 violation. A law enforcement officer shall enforce the provisions
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1 of this section only as a secondary action and shall not stop a
2 motor vehicle solely for failure to comply with this section.

3 SECTION 2. This act shall become effective November 1, 2011.

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-17-11 - DO
5 PASS, As Coauthored.

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