

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1340

By: Renegar

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; prohibiting use of  
8 certain devices while operating motor vehicle;  
9 providing exceptions; prescribing penalties;  
10 authorizing municipalities to enact certain  
11 ordinances; providing definitions; providing for  
12 codification; and providing an 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 11-901d of Title 47, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. A person shall not operate a motor vehicle on the public  
18 streets or highways of this state while using a cellular telephone  
19 or a wireless electronic communication device to converse with  
20 another person, write, send, or read a text-based communication  
21 while the motor vehicle is in motion.

22 B. Subsection A of this section shall not apply to any of the  
23 following:

24 1. Law enforcement and safety personnel;

1 2. Drivers of authorized emergency vehicles;

2 3. The use of a cellular telephone or wireless electronic  
3 communication device for the sole purpose of communicating with any  
4 of the following regarding an emergency situation:

- 5 a. an emergency response operator,
- 6 b. a hospital, physician's office or health clinic,
- 7 c. a provider of ambulance services,
- 8 d. a provider of firefighting services, or
- 9 e. a law enforcement agency; or

10 4. A person who is operating an amateur radio and who holds a  
11 current, valid amateur radio station license issued by the Federal  
12 Communications Commission.

13 C. Any person who violates the provisions of subsection A of  
14 this section shall, upon conviction, be punished by a fine and court  
15 costs that shall not exceed Five Hundred Dollars (\$500.00).

16 D. Municipalities may enact and municipal police officers may  
17 enforce ordinances prohibiting and penalizing conduct under the  
18 provisions of this section, but the provisions of those ordinances  
19 shall be the same as provided for in this section, the enforcement  
20 provisions of those ordinances shall not be more stringent than  
21 those of this section, and the fine and court costs for municipal  
22 ordinance violations shall be the same or a lesser amount as  
23 provided for in this section.

24 E. As used in this section:

1           1. "Cellular telephone" means an analog or digital wireless  
2 telephone authorized by the Federal Communications Commission to  
3 operate in the frequency bandwidth reserved for cellular telephones;

4           2. "Wireless electronic communication device" means an  
5 electronic device that permits the user to manually transmit a  
6 communication of written text by means other than through an oral  
7 transfer or wire communication and includes, but is not limited to,  
8 a cellular telephone, personal digital assistant, text messaging  
9 device, or a computer. This term does not include a voice-activated  
10 global positioning or navigation system that is permanently affixed  
11 to a motor vehicle;

12           3. "Immediate proximity" means the distance that permits the  
13 user of a cellular telephone to hear telecommunications transmitted  
14 over the cellular telephone but that does not require physical  
15 contact with the ear of the user; and

16           4. "Using a cellular telephone or wireless electronic  
17 communication device" means:

- 18           a. holding a cellular telephone to, or in the immediate  
19           proximity of, the ear of the user, or  
20           b. pressing the buttons on a cellular telephone or  
21           wireless electronic communication device to use any of  
22           the functions of the cellular telephone or wireless  
23           electronic communication device.

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

53-1-5682            GRS            01/04/11