

1 **SENATE CHAMBER**

2 STATE OF OKLAHOMA

DISPOSITION BY SENATE

3 **FLOOR AMENDMENT**

4
5
6 No. _____

7 _____
8 (Date)

9
10 Mr./Madame President:

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12 I move to amend Senate Bill No 442, Page 1, Line 12, as follows:

13 By deleting SECTIONS 1 and 2 and inserting new SECTIONS 1 and 2 to read as follows:

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17
18 Submitted by:

19
20 _____
21 Senator Brecheen

22
23 Brecheen-LKS-FA-SB442
24 2/26/2014 6:07 PM

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26 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-901b, is
27 amended to read as follows:

28 Section 11-901b. A. The operator of every vehicle, while
29 driving, shall devote their full time and attention to such
30 driving.

31 No law enforcement officer shall issue a citation under this
32 section unless the law enforcement officer observes that the
33 operator of the vehicle is involved in an accident or observes the

1 operator of the vehicle driving in such a manner that poses an
2 articulable danger to other persons on the roadway that is not
3 otherwise specified in statute. Acts that may cause the operator
4 of a vehicle to look away from the roadway and which cause the
5 operator of a vehicle to drive in such a manner that poses an
6 articulable danger to other persons on the roadway may include, but
7 not be limited to:

- 8 1. Consuming food or drink;
- 9 2. Grooming;
- 10 3. Reading hard copy materials;
- 11 4. Watching a video or other on-screen device,
- 12 5. Looking to the back or reaching into the back seat; or
- 13 6. Manually typing or entering multiple letters, numbers,
14 symbols or other characters into a cellular telephone or electronic
15 communication device, or while sending or reading data on such a
16 device for the purpose of non-voice interpersonal communication
17 including, but not limited to, communication methods known as
18 texting, e-mailing and instant messaging, while the motor vehicle
19 is in motion.

20 B. Fine and court costs for violating the provisions of
21 subsection A shall not exceed Thirty Dollars (\$30.00) for a first
22 offense, provided that, fine and court costs for a second or
23 subsequent offense shall not exceed Fifty Dollars (\$50.00). If the
24 offense results in an accident, then the penalty shall be a
25 misdemeanor.

26 C. 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
4 telephones;

5 2. "Communications service" means any service lawfully
6 provided for a charge or compensation by any cable system or by any
7 radio, fiber optic, photooptical, electromagnetic, photoelectronic,
8 satellite, microwave, data transmission, Internet-based or wireless
9 distribution network, system or facility including, but not limited
10 to, any electronic data, video, audio, Internet access, microwave
11 and radio communications, transmissions, signals and services and
12 any such communications, transmissions, signals and services
13 directly or indirectly by or through any of those networks, systems
14 or facilities;

15 3. "Electronic communication device" means any handheld
16 electronic device, used or capable of being used in a handheld
17 manner, that is designed or intended to receive or transmit
18 character-based messages, access or store data, or connect to the
19 Internet or any communications service and that allows text
20 communications. This term does not include a voice-activated
21 global positioning or navigation system that is affixed to a motor
22 vehicle;

23 4. "Write, send, or read a text-based communication", also
24 known as texting, means manually entering alphanumeric text into,
25 sending text, or reading text from, an electronic device, and
26 includes, but is not limited to, short message service (SMS), e-

1 mailing, instant messaging (IM), a command or request to access a
2 World Wide Web page, or engaging in any other form of electronic
3 text retrieval or entry, for present or future communication.

4 D. The provisions of this section shall not apply to any of
5 the following:

- 6 1. Law enforcement and safety personnel;
- 7 2. Drivers of authorized emergency vehicles;
- 8 3. The use of a cellular telephone or electronic communication
9 device for the sole purpose of communicating with any of the
10 following regarding an emergency situation:

- 11 a. an emergency response operator,
- 12 b. a hospital, physician's office or health clinic,
- 13 c. a provider of ambulance services,
- 14 d. a provider of firefighting services, or
- 15 e. a law enforcement agency; or

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

19 E. For purposes of this section, a motor vehicle that is
20 stationary is therefore not subject to the prohibition as provided
21 in this section.

22 SECTION 2. This act shall become effective November 1, 2014.

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