

1 send, or read a text-based communication while the motor vehicle is
2 in motion.

3 B. The provisions of subsection A of this section shall not
4 apply if the person is using the cellular telephone or electronic
5 communication device for the sole purpose of communicating with any
6 of the following regarding an emergency situation:

- 7 1. An emergency response operator;
- 8 2. A hospital, physician's office or health clinic;
- 9 3. A provider of ambulance services;
- 10 4. A provider of firefighting services; or
- 11 5. A law enforcement agency.

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

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

23 E. As used in this section:

24

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. "Compose", "send" or "read" with respect to a text message
5 means the manual entry, sending or retrieval of a text message to
6 communicate with any person or device;

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

14 4. "Text message" includes a text-based message, instant
15 message, electronic message or electronic mail; and

16 5. "Using a cellular telephone or electronic communication
17 device" means pressing the buttons on a cellular telephone or
18 wireless electronic communication device to use any of the functions
19 of the cellular telephone or wireless electronic communication
20 device.

21 SECTION 2. This act shall become effective November 1, 2013.

22
23 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/25/2013 -
24 DO PASS, As Amended and Coauthored.