

1 **SENATE FLOOR VERSION**

2 February 20, 2014

3 **AS AMENDED**

4 SENATE BILL NO. 442

By: Sharp of the Senate

and

McDaniel (Jeannie) of the
House

[texting and driving - certain acts unlawful -
codification]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 11-901d of Title 47, unless
there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to operate a motor
vehicle on any street or highway within this state while using a
cellular telephone or electronic communication device to compose,
send, or read an electronic text message while the motor vehicle is
in motion.

B. Fine and court costs for violating the provisions of
subsection A shall not exceed Thirty Dollars (\$30.00) for a first
offense; provided that for a second or subsequent offense, the fine
and court costs shall not exceed Fifty Dollars (\$50.00).

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

3 1. Law enforcement and safety personnel;

4 2. Drivers of authorized emergency vehicles;

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

8 a. an emergency response operator,

9 b. a hospital, physician's office or health clinic,

10 c. a provider of ambulance services,

11 d. a provider of firefighting services, or

12 e. a law enforcement agency; or

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

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.

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 11-901e of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 As used in Section 1 of this act:

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

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

11 3. "Electronic communication device" means an electronic device
12 that permits the user to manually transmit a communication of
13 written text by means other than through an oral transfer or wire
14 communication. This term does not include a voice-activated global
15 positioning or navigation system that is affixed to a motor vehicle
16 or an ignition interlock device that has been installed on a motor
17 vehicle; and

18 5. "Text message" includes a text-based message, instant
19 message, electronic message or electronic mail.

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
21 February 20, 2014 - DO PASS AS AMENDED
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